The City Council of the City of Raleigh met in regular session on Tuesday, December 18, 1984, at 1:00 p.m. in the City Council Chamber, Raleigh Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Congleton
Mr. Keller
Mr. Walters

Ms. Cates - Absent and excused

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend W. P. Pope, Jr., Raleigh Church of God, after which the following matters were discussed with action taken as shown. Mayor Upchurch indicated Mrs. Cates had been excused from today's meeting during the last Council Meeting.

RECOGNITION OF SPECIAL AWARDS

NORTH CAROLINA LEAGUE OF MUNICIPALITIES - RESOLUTIONS - ACCEPTED

Mayor Upchurch read a resolution adopted by the delegates to the North Carolina League of Municipalities 1984 Convention honoring the memory of William H. Carper, Former City Manager and Assistant City Manager of the City of Raleigh. Mrs. W. H. Carper accepted the resolution.

Mayor Upchurch read a resolution adopted by the North Carolina League of Municipalities delegates to the 1984 Convention honoring Lawrence P. Zachary, Jr., Former City Manager and Assistant City Manager of the City of Raleigh. Mr. and Mrs. Zachary were at the meeting to accept the resolution.

PROCLAMATION - UNITED NEGRO COLLEGE FUND TELETHON WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week of December 23 - 29, 1984, as United Negro College Fund Telethon Week. The proclamation was accepted by Mr. Harold Webb and representatives of Shaw University and St. Augustine's College.

COMMENDATION - LINDA HARRIS EDMISTEN - RECEIVED

Mayor Upchurch read a commendation honoring Linda Harris Edmisten, explaining she had recently been awarded the Robert E. Stipe Award for outstanding professional service in the field of historic preservation. The commendation was accepted by Mrs. Edmisten and her husband.

VOLUNTEER OF THE MONTH - SAUL RICHMAN HONORED

Mayor Upchurch explained the Volunteer of the Month Award and presented Sol Richman with this month's award. He read a listing of some of the ways in which Mr. Richman has been involved in the community over the past few years. The award was received by Mr. Richman.

CERTIFICATE OF APPOINTMENT - VARIOUS - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Arts Commission - Fran Ashford, Nancy N. Lambert, Dr. B. Fred Partin, Jr., and Fred P. Parker, III; Electrical Examining Board - Dallie W. Jordan; Greenway Commission - Susan Wilson and Kyle Highsmith (not present); Historic Districts Commission - Mrs. John Jadwick; Historic Properties Commission - Dean A. Ruedrich (not present); Mayor's Committee for Services to the Handicapped - Marian Grissom; Parks and Recreation Advisory Board - David Mallette, Sr., and Carole Sawicki; Raleigh Housing Authority Board of Directors - Dr. James H. Colson, Dr. Robert E. Fields, Jr., Mrs. Barbara Bullard Page.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote.

Mrs. Block requested the roof repair bids be withdrawn. Mr. Calloway requested the Emergency Jobs Bill - Lydia Baptist Emergency Home Item be withdrawn. Mr. Walters requested that the channelization and intersection controls on Brookside Drive/ Louisburg Road, as well as the changing of stop signs to yield signs in various locations be withdrawn. Without discussion, these items were withdrawn from the Consent Agenda. Ms. Babb moved Administration's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - VARIOUS - APPROVED

This is an application for a massage business license for "Neuromuscular Center," located at 3203 Woman's Club Drive, Suite 110. The owner, Margaret W. Urguhart, is the individual making the application. City Code Section 12-2134 requires City Council approval before a license may be issued for a massage business. Building/Zoning Inspections, Fire, and Police reports indicate approval.

Recommendation: It is recommended that this privilege license be approved.

This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Mary Esoda Fife. She will be conducting her business at the YWCA of Wake County, Inc., located at 1012 Oberlin Road. The Police report indicates approval.

Recommendation: It is recommended that this privilege license be approved.

Consent Agenda approval: Babb/Calloway - 7 ayes.

PUBLIC SERVICE COMPANY OF NORTH CAROLINA - FRANCHISE RENEWAL - APPROVED ON SECOND AND FINAL READING

On December 4, 1984, the Council approved this franchise renewal. State law requires a second reading and approval.

Recommendation: That the proposed renewal of the gas franchise ordinance with the Public Service Company of North Carolina be approved on second reading, to be effective on January 1, 1985. Consent Agenda approval: Babb/Calloway - 7 ayes.

WATER AND SEWER EXTENSION - OUTSIDE THE CITY LIMITS - APPROVED

A request has been received to allow extension of water and sewer lines to serve property at 5024 Old Wake Forest Road. This is in the old Millbrook area at Second Street. The property owner would be responsible for extending the utility lines in accordance with City standards and specifications. Included in the Agenda packet is a map showing the utility extensions.

Recommendation: That the Council approve extension of the utility lines subject to the property owner making all extensions and doing so in accordance with City standards and approval by Administration of utility line design plans. Consent Agenda approval: Babb/Calloway - 7 ayes.

TRANSIT GARAGE PAINT BOOTH - ARCHITECTURAL CONTRACT - ADMINISTRATION TO NEGOTIATE CONTRACT

The Council has previously approved a project involving the addition of a paint booth at the Transit Garage.

Owen Smith was a member of the original architectural team which designed the facility. Because of his knowledge of this facility, Administration proposes that he be retained for this project.

Recommendation: That Owen Smith be retained for this project subject to a contract being negotiated and submitted to Council for approval. Consent Agenda approval: Babb/Calloway - 7 ayes.

BUDGET SCHEDULE - 1985-86 - APPROVED

It is suggested that the following schedule for the 1985-86 Budget be considered.

January 15	Pre-budget hearing
May 7	News Media briefing prior to Council Meeting with a 1:00 P.M. release restriction
	Presentation of Proposed Budget to City Council
June 4	Public hearing on Proposed Budget and Revenue Sharing
July 1	Last day to adopt the budget

Recommendation: That the City Council approve the 1985-86 Budget schedule. Consent Agenda approval - Babb/Calloway - 7 ayes.

PARKING DECK - OPERATING CONTRACT FOR SALISBURY STREET DECK - AGREEMENT WITH MCLAURIN PARKING COMPANY - APPROVED

The City's parking operation agreement with McLaurin Parking Company expires on December 31, 1984. A proposal has been received from this company to operate the deck for another year with the following modifications to the contract terms and conditions:

- Rental payment to City to be based on 62% of monthly gross revenue up to $200,000 and 75% of gross revenue after $200,000 (currently 60.5% up to $150,000, 65% for next $50,000, and 75% over $200,000);

- Minimum monthly rent to be $9,000 (from $8,000);

- Increased commitment of custodial service to include daily check of parking area, daily cleaning of elevator, and changing of trash receptacles as needed but not less than once a week.

Recommendation: That the Council approve retaining McLaurin Parking Company for 1985 under the terms of the current agreement with modifications as noted above. Consent Agenda approval: Babb/Calloway - 7 ayes.

ZONING HEARINGS - JANUARY - SET

Twenty-eight rezoning cases have been received for the January hearing. It, therefore, appears that two hearings are necessary. The first would be on January 15, at 6:30 P.M. and another one on January 17, at 6:30 P.M.

It is suggested that the Council zoning tour be on Wednesday, January 9, at 8:00 A.M.

Recommendation: That the above zoning schedule be approved. Consent Agenda approval: Babb/Calloway - 7 ayes.

PARKING FACILITIES - TWO-THIRDS BOND ISSUE - VARIOUS ACTIONS TAKEN

To proceed to issue the two-thirds bond authority which is now scheduled for March 12, 1985, for Parking Facilities, two separate Council actions are needed. First, a Bond Order needs to be introduced and the language should appear in the Clerk's minutes as stated in the Bond Order included in Council Members' Agenda packet. In addition, a public hearing should be called on that Bond Order for the January 15, 1985, meeting. After those actions, a publication of the Notice of Public Hearing will be made and a Debt Statement will be filed.

The second item requiring Council action is the adoption of a resolution making necessary findings relating to the parking facilities bonds, i.e., the need for such project, the authorization for filing of an application with the Local Government Commission and the designation of an authorized representative, the Finance Director, to work with the Commission on the subsequent proceedings.

Recommendation: That the Bond Order be introduced, a public hearing be set for January 15, 1985, that Council adopt a resolution concerning the need for these parking bonds, and designate the Finance Director to work with the Local Government Commission on this item. Consent Agenda approval: Babb/Calloway - 7 ayes.

RESOLUTION NO. (1984) 673

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF $4,195,000 PARKING FACILITIES BONDS OF THE CITY OF RALEIGH," has been introduced at the meeting of the City Council held on December 18, 1984, and the Council desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH AS FOLLOWS:

(1) The public hearing upon said bond order shall be held on the 15th day of January, 1985, at 1:00 o'clock p.m., at 222 West Hargett Street in Raleigh, North Carolina.

(2) The City Clerk is hereby directed to cause a copy of the bond order to be published with notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to such public hearing.

(3) The City's Finance Officer is hereby directed to file with the City Clerk prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the City and the net debt of the City.

The motion was seconded by Reverend Calloway and was adopted by the following vote:

Ayes: Mayor Upchurch, Ms. Block, Ms. Babb, Mr. Congleton, Mr. Keller, Mr. Walters, Reverend Calloway

Nays: None

COMMUNITY DEVELOPMENT - REHABILITATION WARRANTY WORK - AUTHORIZED; CITY ATTORNEY TO PROCEED WITH LEGAL ACTION

Contractors involved in property rehabilitation work at the following locations have refused to perform repairs as required by warranty provisions of their contracts:

Location	Amount	Contractor
121 E. South Street	$1,160	Ex-Zac-To
800 New Bern Avenue	725	Ex-Zac-To
1116 Spaulding Street	500	Hodges and Jones

Recommendation: That the Community Development Department be authorized to make the repairs and that the City Attorney be authorized to proceed with legal action against these contractors. Consent Agenda approval: Babb/Calloway - 7 ayes.

PARKS - GRANT APPLICATIONS - AUTHORIZED FOR SUBMISSION

The State and County are now receiving applications for Parks facilities funding.

It is proposed to submit a grant request to Wake County for $80,000 for improvements at Carolina Pines, Pullen, and Brookhaven Parks.

It is proposed to submit a grant request to the North Carolina Department of Natural Resources and Community Development for a Land and Water Conservation Grant of $50,000 to assist in the Phase I of the Walnut Creek Greenway Trail project.

Included in Council Members' Agenda packet was additional information on these projects.

Recommendation: That the Council approve the filing of these grant applications. Consent Agenda approval: Babb/Calloway - 7 ayes.

TAXICAB OWNERS PERMITS - APPROVED ON SECOND AND FINAL READING

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. The applications were approved on the first reading during the December 4, 1984, Council Meeting. It would be appropriate for the Council to approve these on a second and final consideration.

Woody Tabbs, Woody Tabbs VIP Limousine Service (New Limousine Franchise)

John Junior Ruffin, Rainbow Cab Company (Franchise Renewal)

Stephen N. Ngari, Safeway Cab Company (New Individual Owner's Permit)

Robert L. Stringfellow, City Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Babb/Calloway - 7 ayes.

TAXICAB OWNERS PERMITS - APPROVED ON FIRST READING; TO BE PLACED ON JANUARY 15, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the January 15, 1985, Agenda for second and final consideration.

William Jones, Ebony Cab Company (New Individual Owner's Permit)

Rodfer Coris Sessoms, Capital Limousine Service (New Limousine Franchise)

Consent Agenda approval: Babb/Calloway - 7 ayes.

BUDGET AMENDMENTS - PARKS AND RECREATION AND DOT - APPROVED

The Consent Agenda presented a budget amendment in the amount of $100 in the Parks and Recreation Department to be placed into an expenditure account. The funds were donated by Longview Community Club. The Agenda also presented a budget amendment in the amount of $42,930 in the Transportation Department budget to establish revenue and expenditure budget for the transit planning fund.

Recommendation: Administration recommends approval of the budget amendments as outlined. Consent Agenda approval: Babb/Calloway - 7 ayes.

ORDINANCE NO. (1984) 460

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget be amended as follows to place into expenditure account funds donated by Longview Community Club (Receipt 370907);

Revenue:		
37-1-0070-0200	Park Imp. Miscellaneous Income	$ 100.00
Expense:		
37-2-3000-0169	Beautification Longview Community	$ 100.00

Section 2. That the Budget be amended as follows to establish revenue and expenditure budget for Transit Planning Fund:

Revenue:		
02-1-5450-0100	UMTA NC-08-0107	$29,624.00
02-1-5450-0101	UMTA NC-90-0014	4,720.00

02-1-5450-0102	STATE 85-P-10	4,293.00
02-1-5450-0103	City In-Kind	4,293.00
		$42,930.00

Expense:		
02-2-5450-0000	UMTA NC-08-0107	$ .00
02-2-5450-0001	UMTA NC-90-0014	.00
02-2-5450-0100	Salaries	32,792.00
02-2-5450-0101	Fringe	4,790.00
02-2-5450-0103	In-Kind	4,293.00
02-2-5450-0231	Travel	700.00
02-2-5450-0260	Supplies	355.00
		$42,930.00

Adopted: 12/18/84

CIVIC CENTER - INFORMATIONAL ITEMS - RECEIVED

Approval has been granted for rent-free use of the Northwest Exhibition Area of the Civic Center on Friday, January 25, 1985, for the Red Cross Blood Drive.

Approval has been granted for rent-free use of the Civic Center on December 17 and 18, 1984, in order to administer an Assessment Center for the position of District Chief.

Approval has been granted for rent-free use of Meeting Room D at the Civic Center on Thursday, February 14, 1985, for the Employees' Service Awards Luncheon.

The items were received without comment.

CONDEMNATION - ATLANTIC AVENUE PROJECT - CAPITAL FUNDS, INC. - RESOLUTION ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, therefore, it is recommended that a resolution of condemnation be authorized.

Name - Capital Funds, Inc.

Site Location - 1053 E. Whitaker Mill Road

Project Name - Atlantic Avenue Extension (intersection of Atlantic Avenue and Whitaker Mill Road)

Consent Agenda approval: Babb/Calloway - 7 ayes. See Resolution 685.

CIVIC CENTER ADDITIONS - CHANGE ORDER NO. 771-E1 - BITTING ELECTRIC, INC. - MANAGER'S ACTIONS CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order No. 771-E1 - Bitting Electric, Inc., which is an increase of $110. An administrative transfer in the same amount has also been made by the Manager. Concurrence with the Manager's recommendation is recommended. Consent Agenda approval: Babb/ Calloway - 7 ayes.

MARKET PLAZA REVITALIZATION AND IMPROVEMENTS - CHANGE ORDER NO. 6 - CENTURION CONSTRUCTION COMPANY - MANAGER'S ACTIONS CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order No. 6 with Centurion Construction Company relating to the Market Plaza Project. The change order was an increase of $367.68. An administrative transfer has also been made in that same amount. Concurrence with the Manager's actions is recommended. Consent Agenda approval: Babb/Calloway - 7 ayes.

MUNICIPAL PARKING BUILDING - CHANGE ORDER NO. P-1 - APPROVED - FUNDS APPROPRIATED

Change Order No. P-1 - Triangle Mechanical Contractor, Inc., relating to the Municipal Parking Building was presented. The change order is an addition of $2,144 and relates to changes involving the gasoline metering system and grounding the fuel line of the tank at the upper level near Morgan Street. The Agenda outlined in detail the reason for the change order and included a transfer in the same amount to cover the change order if approved. Administration recommends approval of the change order and transfer as outlined. Consent Agenda approval: Babb/Calloway - 7 ayes. See Ordinance 461 TF 12.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been authorized by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Babb/Calloway - 7 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-1040-0001	01-2-3010-0225	$ 71.40
37-2-1081-0100	37-2-1081-0104	$100.00
01-2-1030-0211	01-2-1030-0700	$ 19.00
18-2-1000-0269	18-2-1000-0708	$145.00
01-2-4110-0265	01-2-4130-0610	$380.00
02-2-4390-0231	02-2-4390-0265	$150.00
37-2-1125-0100	37-2-1125-0204	$349.40
01-2-1040-0001	01-2-5050-0225	$700.00
01-2-5020-0617	01-2-5020-0717	$429.48

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed recommended transfers within various accounts in the Community Development, Personnel, Public Utilities and Public Works Departments. The Agenda outlined the amounts of the transfers, code accounts and the reasons for the transfers. Administration recommends approval. Consent Agenda approval: Babb/Calloway - 7 ayes.

ORDINANCE NO. (1984) 461 TF 12

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 1,500.00
To 01-2-1220-0243	Appearance Commission	1,500.00
Purpose: To pay for plaque - Sir Walter Raleigh Award.		
From 34-2-3805-0102	Municipal Block "B"	$ 2,144.00
To 34-2-3810-0103	Municipal Parking Plumbing	2,144.00
Purpose: Contract Change Order - Parking Deck - Triangle Mechanical Contractor, Inc. P-1.		
From 43-2-6000-0100	Public Facilities Imp.	$ 8,000.00
To 43-2-6000-0109	Engin. Services South Park	8,000.00
Purpose: Providing necessary funds for Engineering Services for sidewalk installation in South Park.		

	CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	43-2-3110-0100		Salaries	$ 19,661.00
	43-2-3110-0101		Fringes	2,749.00
	43-2-3110-0213		Registration and Subscriptions	100.00
	43-2-3110-0231		Travel	250.00
	43-2-3110-0237		Auto Reimbursement	500.00
To	43-2-3010-0100		Salaries	19,661.00
	43-2-3010-0101		Fringes	2,749.00
	43-2-3010-0213		Registration and Subscriptions	100.00
	43-2-3010-0231		Travel	250.00
	43-2-3010-0260		Office and Other	160.00
	43-2-3090-0700		Office Equipment	340.00

Purpose: Removing funds from Program Support to Administration, per HUD Directive and to provide funds for two bookcases for Rehab Staff.

From	43-2-3080-0100	Contingency	$ 1,192.00
To	43-2-3300-0100	Incentive Housing	1,192.00

Purpose: Providing sufficient funds for tap-on fees at 800 East Davie Street.

From	43-2-3010-0100	Salaries	$ 2,708.00
To	43-2-3100-0100	Salaries	2,513.00
	43-2-3100-0101	Fringes	195.00

Purpose: Providing sufficient funds for cost of living increase authorized by City Council, effective 7/25/84.

From	01-2-1040-0001	Council Contingency	$ 11,126.21
To	01-2-1040-0105	Unemployment Compensation	11,126.21

Purpose: To provide sufficient funds for Unemployment Insurance payment to Employment Security Commission.

From	06-2-7060-0702	Sewer Pipe	$ 20,000.00
To	06-2-7060-0703	Grout and Chemical	20,000.00

Purpose: To purchase grout and chemicals for TV inspection and repair unit.

From	01-2-1040-0001	Council Reserve	$ 11,000.0
To	39-2-5110-0202	Asbestos "B"	9,500.00
	39-2-5110-0204	Asbestos "D"	1,500.00

Purpose: Professional services to remove asbestos.

From	37-2-1000-0100	Council Reserve	$ 11,855.00
To	37-2-1125-0203	Camp Durant Dams	11,855.00

Purpose: Additional funds needed for contractor to do repair work on dams in Durant Nature Park.

From	37-2-1081-0100	Roof Repairs	$ 90,690.00
To	37-2-1081-0101	Roof Repairs	90,690.00

Purpose: For roof renovations at six Parks and Recreation buildings.

From	06-2-7100-0001	Council Reserve	$ 15,000.00
To	85-2-1100-0102	Walnut Creek Parallel Study	15,000.00

Purpose: To fund parallel study for Walnut Creek Interceptor.

From	84-2-1060-0000	EMJ Plant Expansion	$112,530.50
To	84-2-1409-0101	WS 1984-5 Duraleigh Road	112,330.50
	84-2-1409-0104	WS 1984-5 Miscellaneous	200.00

Purpose: To provide funds for WS 1984-5, water main in Duraleigh Road.

Adopted: 12/18/84

BID - CAMP DURANT DAM REPAIRS - BID AWARDED TO 2M ENGINEERING - FUNDS APPROPRIATED

The Camp Durant Dams have been advertised twice for repair work. The two bid openings have produced only one contractor interested in the work. The bid received was by 2M Engineering, Knoxville, Tennessee, for $56,855. The estimated budget amount in the account for the project was $45,000.

Administration does not feel we can delay these repairs for a more favorable bid climate as the work will cause us to lose the use of the lakes during construction. Delay in award would possibly run the construction time into the first session of camp programs at Durant Nature Park and reduce revenue for that session.

The consultant indicates that the work needs are mostly labor and intensive, and, therefore, is unattractive for large contractors.

Recommendation: It is recommended that the bid for the project be awarded to 2M Engineering and that the following transfer of funds be approved to cover the difference between the estimated cost and the actual bid price.

From:		
37-2-1000-0100	Council Reserve	$11,855.00
To:		
37-2-1125-0203	Camp Durant Dams	$11,855.00

Consent Agenda approval: Babb/Calloway - 7 ayes. See Ordinance 401 TF 12.

TRAFFIC - VARIOUS CHANGES - APPROVED

The Agenda presented recommended changes in the traffic code relating to no parking on Jackson Street, traffic control signs on Pointer Drive and Cart Track Trail as well as parking, speed limit and truck regulations on the new portions of Atlantic Avenue. Administration recommends approval of the code changes as outlined on the Agenda. Consent Agenda approval: Babb/Calloway - 7 ayes.

ORDINANCE NO. (1984) 462

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule 1-A entitled, "TRAFFIC SIGNALS AND PEDESTRIAN SIGNALS," be amended by deleting the following:

Brookside at Louisburg Road

Section 2. That Traffic Schedule 2 entitled, "STOP INTERSECTIONS," be amended by adding the following:

Louisburg Road at Brookside Drive
Cart Track Trail at Prospector Place
Pointer Drive at Windy Hill Drive

Section 3. That Traffic Schedule 3 entitled, "YIELD SIGNS," be amended by deleting the following:

Pointer Drive at Windy Hill Drive

Section 4. That Traffic Schedule No. 4 entitled, "THROUGH STREETS," be amended by adding the following:

Winton Road
Atlantic Avenue
Highwoods Boulevard
Litchford Road

Section 5. That Traffic Schedule No. 5 entitled, "SPEED LIMITS," be amended by adding the following:

Atlantic Avenue in its entirety
Litchford Road in its entirety

Section 6. That Traffic Schedule No. 6B1 entitled, "CHANNELIZATION," be amended by deleting the following:

Brookside Drive at Louisburg Road

Section 7. That Traffic Schedule No. 6B3 entitled, "CHANNELIZATION," be amended by deleting the following:

Brookside Drive, westbound, at Louisburg Road

Section 8. That Traffic Schedule No. 6B4 entitled, "CHANNELIZATION," be amended by adding the following:

Winton Road at New Hope Church Road, both approaches

Section 9. That Section 6C15 entitled, "CHANNELIZATION," be amended by adding the following:

Atlantic Avenue at Highwoods Boulevard, north approach

Section 10. That Section 6G1 entitled, "CHANNELIZATION," be amended by deleting the following:

Winton Road at New Hope Church Road

Section 11. That Section 11 entitled, "LOCAL TRUCK ROUTES," be amended by adding the following:

Atlantic Avenue in its entirety
Winton Road in its entirety
Whitaker Mill Road from Pershing Road to Atlantic Avenue
Litchford Road in its entirety

Amend further by deleting the following:

Section 12. That Section 13 entitled, "NO PARKING ZONES," be amended by adding the following:

Atlantic Avenue, both sides, in its entirety
Winton Road, both sides, in its entirety

Litchford Road, both sides, in its entirety
Jackson Street, south side, beginning at a point 200 feet east of Whitmore Drive, westward 800 feet

Section 13. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. That this ordinance shall become effective December 23, 1984.

Adopted: 12/18/84

Effective: 12/23/84

END OF THE CONSENT AGENDA

EMERGENCY JOBS BILLS - APPROPRIATION TO LYDIA BAPTIST EMERGENCY HOME - TO BE RETAINED - REPORT TO BE MADE BACK IN JANUARY; EXTENSION OF OTHER CONTRACTS - APPROVED

a. On July 3, 1984, City Council authorized extending the following social service agencies' contracts through December 31, 1984:

East Central Legal Services
Downtown Housing Improvement Corporation
YWCA of Wake County

Due to the difficulty some agencies have had in meeting the regulations of this program, these agencies, as of this date, have not expended all of their contracted funds. Our area HUD representative has assured us that as long as the funds have been obligated by December 31, 1984, they may be expended until exhausted.

b. Also, on July 31, 1984, the contract between the City and Lydia Baptist Emergency Home expired. The Finance Department is in the process of auditing the expenditures under this contract.

It is anticipated that, after the audit is complete, there will be a balance of at least $2,700 in unobligated funds.

Recommendation: It is recommended that City Council authorize extending the contracts for the three agencies in Item a. until funds are exhausted. The Community Development Department will continue to monitor the progress and expenditure rates of the contracts.

It is further recommended that City Council obligate the unexpended funds from the Lydia Home allocation to Meals on Wheels of Wake County, with the amount being contingent upon the outcome of the final audit of Lydia Baptist Emergency Home's contract expenditures. Meals on Wheels was originally funded $3,929 under the Jobs Bill Program and they have indicated an interest in additional funding.

Mr. Calloway indicated he had no problem with the A portion of this recommendation. He pointed out, however, the B portion relates to the Lydia Baptist Emergency Home. He questioned why these funds were not expended, pointing out this is a very active program. Community Development Director Prosser indicated he understood Lydia Baptist Emergency Home had difficulty in locating a spot that will meet the City's zoning requirements, and the City has not made any reimbursement to them, and he did not want the City to be in the position of aiding and abetting a nonconformance use. Mr. Calloway indicated he would just like to see Lydia Baptist Emergency Home have an opportunity to use those funds rather than transfer them to another program. Mr. Walters questioned if it looks like they will be able to utilize the funds, pointing out he thought there was some misunderstanding in the beginning in that they thought they would be able to buy a vehicle with these funds but could not. Mr. Prosser indicated it is his understanding that it is primarily a question of them locating a site. He stated the City could reserve the funds through June but pointed out if they are not used by June, they will revert back to the Federal government. Mr. Calloway stated they have a facility, but it is in need of repair. He stated he would like to reserve these funds until June to give them an opportunity to use them. Mr. Congleton pointed out he understands if the funds are not expended, they will be lost, and he hates to see the City lose these when Meals on Wheels could make use of the funds right away. After other discussion, by general consensus, it was agreed to extend the social service agencies' contracts as listed in Item A, and Administration would bring the report back on the Lydia Baptist Emergency Home in January, and action could be taken at that time.

BIDS - ROOF REPAIRS AT VARIOUS PARK FACILITIES - BID AWARDED TO DEANS ROOFING COMPANY, INC., CONDITIONAL UPON CITY ATTORNEY'S APPROVAL; FUNDS APPROPRIATED

Bids were received on December 4, 1984, for roof renovations at the following locations:

Theatre In The Park
Pullen Arts and Crafts
Raleigh Little Theatre
Jaycee Module
Jaycee Administration Building
Tarboro Road Community Center

The following proposals were received:

Deans Roofing Company, Inc.	$ 90,690.00
Lan-Way Contractors, Inc.	135,145.00
Baker Roofing Company	159,328.00

The bid tabulations were included in Council Members' Agenda packet.

Recommendation: That the bid be awarded to the low responsible bidder, Deans Roofing Company, Inc., in the amount of $90,690 and that the following budgetary action be approved:

From:		
37-2-1081-0100	Roof Repairs	$90,690.00
To:		
37-2-1081-0101	Roof Repairs	$90,690.00

Mrs. Block indicated she pulled this item from the Consent Agenda questioning the big difference in the low bidder and the next to low bidder. She indicated when she read the estimates and the proposals from the bidders, there was a great difference as it relates to square footage they plan to re-roof. She questioned if the City did not know the square footage and just wondered if we could hold the low bidder to do all the necessary work. City Manager Benton indicated the low bidder has not requested relief from his bid. He explained the City put specifications out for the work to be done on this particular project, and the bids came in and met specifications. Therefore, the City would expect the low bidder to honor the specifications. In response to questioning, City Manager Benton indicated he had not looked at the square footage figures. Mr. Walters questioned if we had not re-roofed some of these buildings in the recent past. He explained Tarboro Road Community Center is a new building, and he does not understand why we have to re-roof already. He questioned if we did not have roofing bonds. City Manager Benton explained the work we had done on roofing inspections, pointing out there were defects at the Tarboro Road Community Center. He stated, in his opinion, roofing bonds are not worth the paper they are written on. Mr. Congleton explained the specification listed the specific roofs that need to be repaired, and it is his understanding that whoever gets the contract will be held to that work. He stated they are aware of the size of the roof, and he feels we should go ahead and approve the low bid. Discussion took place as to whether the low bidder could do the job and the fact that he bid on a certain number of square footage, and he would only do that amount of work, with Mr. Keller questioning if that is all the work that needs to be done. Discussion took place with various Council Members indicating they thought roof repairs had already been made at Theatre in the Park, with City Manager Benton indicating there are a number of different roofs at Theatre in the Park. Whether we could hold the bids, refer this item to Committee and the bids still be good was discussed briefly, with City Manager Benton indicating if the Council would hold action on this, he would check and bring information back later in the meeting.

Later in the meeting, City Manager Benton indicated the City retained Stan Caton who has experience in roofing work to do a roof analysis for us. He indicated Mr. Caton recommends that we award the low bid, pointing out everyone was using the same specifications. He indicated the Dean bid is good for sixty days, but the other bids are good only for thirty days. He stated everyone feels that the low bid should be awarded, and they can do the work successfully. After other discussion, Mr. Congleton moved approval of the low bid and transfer as recommended by Administration with the understanding that the City Attorney would double check to ensure that the bids were submitted in such a way that all of the work required by the City would be completed. His motion was seconded by Mrs. Block and put to a roll all vote which resulted in all Members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 461 TF 12.

TRAFFIC - CHANNELIZATION/INTERSECTION CONTROLS - BROOKSIDE DRIVE AND LOUISBURG ROAD - APPROVED; ADMINISTRATION TO MONITOR; COURTLAND DRIVE TO REVERT TO TWO-WAY TRAFFIC

The Department of Transportation recommends that lane channelization and stop controls be established at the reconstructed intersection of Brookside Drive and Louisburg Road as follows:

1. Brookside Drive, southeast bound, left lane left turn and straight, right lane straight.

2. Stop controls on Louisburg Road at Brookside Drive.

The reconstruction and widening of Wake Forest Road through the complex intersection area at Brookside Drive has been designed to provide for safe and efficient movement of traffic along Wake Forest Road and Brookside Drive. The above channelization and stop controls will facilitate that traffic movement.

Mr. Walters indicated he pulled this from the Consent Agenda, pointing out he is concerned that we are now going to have a stop sign on Old Wake Forest Road at its intersection with Brookside Drive. He indicated before the street improvement project, Old Wake Forest Road had the right-of-way, but now Brookside Drive would have the right-of-way. Department of Transportation Director Blackburn indicated his department did give a good deal of consideration to this matter. He indicated before the detour, Brookside Drive had twice the amount of traffic as the leg of Old Wake Forest Road going up to North Boulevard. He indicated they will monitor this very

closely, and if problems arise, then another recommendation could be made to Council. Mr. Walters indicated problems will arise as people will assume they have the right-of-way when they are on Old Wake Forest Road. He pointed out it is a major street, and Brookside Drive is just a residential street. He indicated he just hates to see a stop sign on Wake Forest Road. After discussion, Mr. Walters moved approval of the Department of Transportation's recommendations as outlined on the Agenda, with the understanding it would be monitored closely by Administration. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 462.

Mr. Walters indicated, in addition, Courtland Drive was approved as a one-way street for the duration of the construction project on Wake Forest Road only. He indicated since Wake Forest Road is being reopened, Courtland Drive should be made into a two-way street. Department of Transportation Director Blackburn indicated Mr. Walters is correct, and he will make sure that Courtland Drive is returned to a two-way street.

TRAFFIC - STOP SIGNS CHANGED TO YIELD SIGNS IN VARIOUS LOCATIONS - TO BE PLACED ON THE JANUARY 15, 1985 AGENDA

The Department of Transportation recommends that the traffic control signs at the locations listed below be changed from stop signs to yield signs. These recommendations are made based on the results of the City of Raleigh's 1983 Stop Sign to Yield Sign Study. The recommended changes should provide more economical and efficient operation of the intersections.

Stop Signs to Yield Signs

Holly Drive at Lake Forest Drive
Orkney Place at Kilcullen Drive
Ramsey Road at Ward Road
Camaro Court at Ingram Drive
Hickory Nut Drive at Three Bridges Circle
River Birch Drive at St. Ledger Drive
Steeplechase Court at River Birch Drive
Broadwell Drive at Chappell Drive
Noble Road at McNeil Street
Waybridge Court at Lorimer Road

Mr. Walters indicated he is not sure that he has any problems with this recommendation; however, he just had not had time to look at them and study them. He stated he would just like an opportunity to look at these further, and without objection, it was agreed to defer action and place this recommendation on the next Agenda.

SPECIAL ITEM

TC-277 - PRIVATE FENCES AND WALLS - APPROVED AS AMENDED

This was a request for approval to amend Section 10-2074(b)1 to repeal the third sentence relating to Board of Adjustment approval of solid fences or walls taller than 3½ feet and located within 30 feet of a straight right-of-way, and, in lieu thereof, prohibit a solid wall or fence from being placed within a sight triangle of a public street, private street, or driveway contained either on the property or on an adjoining property. CR-5331 from the Planning Commission recommended that TC-277 be approved as amended.

During the last Council Meeting, the City Attorney requested that this item be deferred as the Department of Transportation had recommendations relative to an amendment on the sight triangle. It would be appropriate to receive a report from the Attorney and consider action on the text change.

City Attorney McCormick indicated everyone had had some difficulty coming up with the proper definition of sight triangle. Mr. McCormick read a proposed definition that should be inserted into the ordinance as recommended by the Planning Commission. Mr. Keller moved that TC-277 be approved with the amendments recommended by the Attorney. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 463 TC 229

AN ORDINANCE TO REGULATE THE PLACEMENT OF FENCES

WHEREAS, Section 10-2074(b) of the Raleigh City Code currently regulates the placement of fences; and

WHEREAS, there exists some consensus that alterations to Section 10-2074(b) would facilitate the work of the Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. Section 10-2074(b)(1) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"(1) Section 10-2074(b) All Zoning Districts.

The following regulations and exceptions shall apply in all zoning districts:

(1) Open fences and slid fences located outside minimum front, side and rear yards, and walls may be erected to any building height permitted in the zoning district. Solid fences and walls located in minimum front, side or rear yards shall not exceed 6 feet in height unless approved by the Board of Adjustment as a variance or as a screening device for any special use exception issued pursuant to Section 10-2073. An open fence or wall is defined as one in which openings through which clear vision is possible from one side to the other on a horizontal plain, occupying 75 percent or more of the side area of the fence or wall. All others are solid fences and walls.

In addition, no solid wall or fence shall be placed within a sight triangle of a public street, private street or driveway contained either on the property or on an adjoining property. For the types of intersections listed in this paragraph, a sight triangle is defined as that triangle formed by a 10 foot side measured along the right-of-way of the minor approach from the right-of-way of the major approach, and a 70 foot side measured along the major approach right-of-way from the right-of-way of the minor approach. This applies to intersections formed by:

1. Two (2) public streets with positive traffic control in which case the minor approach is the street which must stop or yield. Sight triangles do not apply to signalized intersections.

2. A public street and a private street or driveway in which case the public street is the major approach. For a private street or driveway, an imaginary minor approach right-of-way will be a line parallel to and 10 feet off the edge of the drive or private street.

At an intersection of two (2) public streets with no positive traffic control, a sight triangle is that triangle formed by the street right-of-way lines and a line connecting them at points fifty (50) feet from the right-of-way intersection."

Section 2. That all ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall become effective five (5) days following adoption.

Adopted: 12/18/84

Effective: 12/23/84

REQUESTS AND PETITIONS OF CITIZENS

WILLOW CREEK, PHASE II - CONDITIONS OF SUBDIVISION APPROVAL - REFERRED TO PUBLIC WORKS COMMITTEE

Russell Stout, representing the River Bend Development Corporation, was at the meeting explaining the conditions of the subdivision approval for Willow Creek, Phase II. He indicated the Council put a condition on the subdivision that would allow them to record only the lots that will perk. He stated he has thirty-one lots out of forty-one that will perk. He indicated the lots that will not perk are so designated and noted on the subdivision plan that they will not be sold until such time as sewer could be provided in the area. City Manager Benton indicated this is a subdivision located in the Perry Creek area involving a sixty-six acre tract that has been subdivided into forty-five lots. He explained the Council condition relative to receiving approval from the County prior to recording the subdivision plat. City Attorney McCormick indicated the problem is that the way our code is written, we are not allowed to record any maps that include lots that will not perk. He briefly explained the situation, pointing out maybe it is something that should be looked at in Committee. Mr. Walters moved that the problems relating to recording of Willow Creek, Phase II, be referred to the Public Works Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPRING PARK - REQUEST FOR IMPROVEMENT - REFERRED TO ADMINISTRATION

Ruth Price, 1508 College View Avenue, indicated Spring Park was developed in the late 1920's, pointing out since that time, the surrounding neighborhood has gone through various periods of change, including the annexation into the City. She explained the park was used and enjoyed strong community support, and as the children of older

families grew up and the neighborhood became more transit, use of the park declined somewhat, and citizen support waned. She indicated she was at the meeting to ask the City Council to renew the historical commitment to Spring Park and its surrounding neighborhood by supporting the Raleigh Parks and the Friends of Spring Park in their efforts to redevelop Spring Park. She indicated during the '40's and '50's, people utilized the spring in Spring Park for their water supply.

Benson Kirkman, 1510 Gorman Street, presented a proposal for the upgrading of Spring Park which included a history of the park, its location, importance to the neighborhood, current facilities and a proposal for upgrading the park. His proposal also included photographs of the park, newspaper clippings, preliminary sketches for upgrading the park, etc. Various Council Members commended Mr. Kirkman and others for bringing the efforts of this community in upgrading their park to Council's attention. Mrs. Block indicated sixty years ago, the residents of this community developed a park and are still committed to it. After brief discussion, by general consensus, it was agreed to refer this proposal to Administration for review. Mr. Keller suggested that the matter be referred, through Administration, to the Parks and Recreation Advisory Board for their input. The question of adequate lighting surrounding the park was also referred to Administration.

ENCROACHMENT - 2822 VAN DYKE AVENUE - REFERRED TO ADMINISTRATION

Francis McGrail, Jr., was at the meeting to request an encroachment for a house at 2822 Van Dyke Avenue. He indicated this house was built in 1916 and was the main structure of a large landholding at that time. He indicated the house is six feet into the City right-of-way, pointing out the house was there before Van Dyke Avenue was constructed. He explained he had searched City records and other public records and could find no formal encroachment agreement nor any dedication of right-of-way, etc. He indicated the house has historical value and is located in a residential neighborhood, etc. He explained he and his wife want to purchase the house but cannot do so because of the encroachment into the right-of-way. Brief discussion took place after which Mrs. Block moved that this matter be referred to Administration to report back to the Council on what is needed to allow an opportunity for the house to remain and be purchased by Mr. McGrail. Her motion was seconded by Mr. Keller. Brief discussion took place on the historical significance of the house after which the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ABANDONED VEHICLE - WASHINGTON TERRACE - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. and Mrs. Maso Tomlinson, B-23 Washington Terrace, were at the meeting indicating approximately sixty days ago, they received a notice that their broken down vehicle was considered abandoned by the City and had to be removed. He indicated the vehicle was not abandoned. They still live at that same address, it is not on a public street, and they do not consider it an abandoned vehicle. Mr. Tomlinson indicated he was at the meeting to ask the Council to notify the Inspections Department that they do intend to use this vehicle and would like for it to remain in its present location. He pointed out it is a 1973 Mercury, and they are looking for a specific motor which is not easy to find. He stated he did not know why the vehicle was approached and does not know why it is considered abandoned. In response to questioning, he indicated it does have a tag on it, but it is not a current tag and does not have current insurance.

Housing Inspections Supervisor Bartholomew indicated this address is located in the Washington Terrace Apartments. He indicated the owners had requested the City to have fourteen abandoned vehicles removed, and the Inspections Department is in the process of doing this. He indicated the vehicle is considered abandoned as it was left on private property without the consent of the property owner. Mr. Tomlinson indicated they are lessees at this address, and their vehicle is not abandoned as they plan to use it for a second car as soon as they can get the proper motor. He indicated when the tenants ask the City Council to do something, they get no answer, but the property owner is requesting this, so the City is responding. In response to questioning, Mr. Tomlinson indicated the vehicle has been in its present location three to four months. Mr. Calloway asked that this matter be referred to the Public Works Committee to see if something could be worked out and so moved. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA HOUSING FINANCE AGENCY FUNDS - REQUEST FOR RESOLUTION - WITHDRAWN

Glen Howell, representing Delta Creech Associates, had requested the Council to adopt a resolution relating to construction of seventy units of low and moderate income housing utilizing North Carolina Housing Finance Agency funds. City Manager Benton indicated Mr. Howell has requested that this item be withdrawn from the Agenda. Without objection, the item was withdrawn.

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 6108 IVY RIDGE ROAD - HEARING - RESOLUTION ADOPTED

A hearing to consider adoption of a resolution confirming charges in the amount of $294 for abating a public nuisance at 6108 Ivy Ridge Road in the name of Myrick Construction Company. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution

confirming the charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 674

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes, the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Myrick Construction Company	6108 Ivy Ridge Road I.D. No. 0103835	$294.00

Section 3. That this resolution shall become effective December 18, 1984.

Adopted: 12/18/84

STREET IMPROVEMENTS - PINEVIEW DRIVE - HEARING - RESOLUTION ADOPTED; ADMINISTRATION TO CHECK ON STREET NAME DUPLICATION

A hearing to consider the installation of curbs, gutters, drains, and paving on Pineview Drive from Garner Road to dead end. The hearing is pursuant to petition, notification, and advertisement as required by law. Chief Engineer Thomas explained the proposed project, pointing out we will have to acquire additional right-of-way along the street in some areas, pointing out the subdivision map shows thirty feet of existing right-of-way. Mrs. Block indicated this makes three Pineview Drives in the City of Raleigh that she is familiar with and asked Administration to look into the street name duplication and possibility of changing the name. The Mayor opened the hearing to the public.

Deal Watkins indicated he lives at the corner of Pineview and Marion Drive. He pointed out a number of years ago, the City proposed changing the name of Pineview Drive, pointing out on the official City map, it is listed as Windfall Drive. Again, it was pointed out Administration has been asked to look into the confusion on the official name of the street. Mr. Watkins indicated he has no problem with paying for the street but questioned if he has to pay for both streets since he lives on the corner. Chief Engineer Thomas indicated on street improvement projects, a property owner does have to pay on both streets if he is a corner lot. He pointed out, however, you get an exemption if you are a corner and utilities are installed in the streets on both sides. Mr. Watkins indicated the City recently paved Marion Road and left dirt all over his property, against his pine trees which are being killed, etc. He indicated the condition of the right-of-way is not good, and he would request that something be done about that situation. Administration was asked to look into that. No one else asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 675

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing hereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving with a 1½ inch asphalt surface on a 5 inch stone base on Pineview Drive from Garner Road to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 12/18/84

ANNEXATION - GREYSTONE DAY CARE - HEARING - ORDINANCE ORDERING ANNEXATION ADOPTED

A hearing to consider the contiguous annexation of property known as Greystone Day Care. The hearing is pursuant to petition, advertising, and notification as required by law. Planning Director Chapman explained the proposed annexation. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of an ordinance annexing the property effective December 31, 1984, and adoption of a resolution placing the property in Electoral District A. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1984) 676

A RESOLUTION TO AUTHORIZE THE INCLUSION OF GREYSTONE DAY CARE IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 464, adopted December 18, 1984, annex a parcel of land being commonly referred to as Greystone Day Care; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Greystone Day Care as described in Ordinance No. (1984) 464 be added to City Electoral District A.

Adopted: 12/18/84

Effective: 12/31/84

ORDINANCE NO. (1984) 464

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS GREYSTONE DAY CARE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bound the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 18, 1984, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984:

GREYSTONE DAY CARE

Beginning at a point in the northern right-of-way of Sawmill Road, said point being located 65.80' easterly along said right-of-way from the point where the northern right-of-way of Sawmill Road begins to turn into the eastern right-of-way of harbor Drive; thence North 31° 12' 10" West 74.5' to a creek; thence in a northerly direction along said creek approximately 317' to a point; thence leaving said creek South 88° 00' East 90' to a point; thence South 69° 30' East 420' to a point; thence North 74° 00' East 125' to a point; thence North 32° 30' East 130' to a point; thence South 55° 54' 25" East 202.32' to a point; thence South 55° 26' 28" West 330' to a point; thence South 32° 58' 40" West 170' to a point in the northern right-of-way of Sawmill Road; thence with said right-of-way North 57° 01' 20" West 106.07'; thence along a curve in a counter clockwise direction 481.57'; said curve having a radius of 430' to the Point of Beginning, containing 5.2090 acres, and being all of Tract #2 as shown on plat entitled, "Property of Julian T. Baker," and recorded in Book of Maps 1984, Page 1574.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of the State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 12/18/84

Effective: 12/31/84

ANNEXATION - HARTFORD HILLS - HEARING - ORDINANCE ADOPTED ANNEXING AREA

A hearing to consider the contiguous annexation of property known as Hartford Hills. The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the proposed annexation. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of an ordinance annexing the property effective December 31, 1984, and adoption of a resolution placing the property in City Council Electoral District E. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 465

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS HARTFORD HILLS

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bound the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on December 18, 1984, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984:

ANNEXATION DESCRIPTION
HARTFORD HILLS

Beginning at a point in the existing Raleigh City Limits (December 1, 1984), said point also being in the western right-of-way of Duraleigh Road and the southern right-of-way extended of Pleasant Valley Road; thence westerly with the proposed extension of Pleasant Valley Road, leaving said City Limits, the following courses and distances: South 84° 10' 11" East 99.30 feet; along a curve to the right, said curve having a radius of 330 feet and an arc distance of 201.59 feet; South 49° 10' 11" East 224.16 feet; along a curve to the left, said curve having a radius of 270.00 feet and an arc distance of 169.28 feet; South 85° 05' 35" East 479.81 feet to a point at the end of this section of the proposed Pleasant Valley Road extension; thence across the termination point of Pleasant Valley Road extension North 9° 10' 31" East to a point in the southern boundary of the Hartford Hills Apartments

project; thence along the western boundary of the Hartford Hills Apartments project, said boundary also being the eastern boundary of the Raleigh Memorial Park, North 4° 50' 52" East 919.06 feet to the northwestern corner of said project; thence easterly with the northern boundary of Hartford Hills Apartments project the following courses and distances: North 43° 44' 50" East 53.00 feet, South 46° 26" 05" East 174.79 feet, North 43° 33' 53" East 151.52 feet, South 46° 10' 00" East 290.00 feet, South 43° 49' 33" West 79.50 feet, South 46° 16' 47" East 209.84 feet, North 43° 34' 32" East 287.22 feet, South 46° 09' 23" East 278.34 feet, North 36° 06' 01" East 85.79 feet, North 18° 44' 04" West 284.62 feet, South 46° 25' 28" East 66.12 feet, South 18° 44' 04" West 265.94 feet, South 36° 06' 01" West 399.81 feet, South 51° 59' 30" East 436.96 feet to a point on the western right-of-way of Duraleigh Road, said point also being in said existing City Limits; thence southerly along the western right-of-way of Duraleigh Road 433.85 feet to the Point of Beginning, said property containing approximately 21.73 acres.

For further reference, see the Raleigh City Council site plan for Hartford Hills, drawn by Paton, Zucchino and Associates, P.A., as found in File G.H.-181 in the Raleigh City Planning Department.

Section 2. It being understood and agreed that the developer will, at his expense, construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of the State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 12/18/84

Effective: 12/31/84

RESOLUTION NO. (1984) 677

A RESOLUTION TO AUTHORIZE THE INCLUSION OF HARTFORD HILLS IN CITY ELECTORAL DISTRICT E

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 465, adopted December 18, 1984, annex a parcel of land being commonly referred to as Hartford Hills; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Hartford Hills as described in Ordinance No. (1984) 465 be added to City Electoral District E.

Adopted: 12/18/84

Effective: 12/31/84

REDEVELOPMENT BONDS - HEARING - NO ACTION TAKEN

A hearing before the City Council, meeting as the City Council and the Redevelopment Commission of the City of Raleigh, to consider the approval, pursuant to 26 USC 103(K), of $3.8 million and redevelopment bonds for use in funding a portion of the Old City Market Redevelopment Area Project. City Attorney McCormick indicated this hearing was called before the City Council and the Redevelopment Commission so that redevelopment bonds could be issued relating to this project. He indicated, however, since the bond closing will not be before the end of this year, the Bond Counsel has suggested that we have another hearing. He stated, however, if there are people in the audience who want to speak on this item, they should be allowed to speak. No one asked to be heard. No action was taken.

OLD CITY MARKET REDEVELOPMENT PLAN - PROPOSED AMENDMENT - APPROVED - VARIOUS ACTIONS TAKEN

A hearing before the City Council, meeting as the City Council and the Redevelopment Commission of the City of Raleigh, to consider the adoption of an amendment to the Old City Market Redevelopment Plan.

Downtown Planner Betts explained the Old City Market Redevelopment Plan and the proposed amendments which basically takes out parking from the previously approved plan. He indicated Council Members had received a copy of the proposed amendment in their Agenda packet and briefly went over the amendment. The Mayor opened the hearing to the public.

G. Smedes York, 1904 Craig Street, was at the meeting to commend the City for this project, and the Council's continuity of all downtown rehabilitation efforts. He commended the Council for pursuing the projects that previous City Councils have worked so hard on. No else asked to be heard, thus the hearing was closed.

City Attorney McCormick explained the procedures and actions that should be taken at this point. Mr. Congleton moved adoption of the amendment to the Old City Market Redevelopment Plan as outlined. His motion was seconded by Ms. Babb and put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 678

A RESOLUTION TO AMEND THE OLD CITY MARKET REDEVELOPMENT PLAN AMENDMENT TO THE DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN

WHEREAS, the City of Raleigh is undertaking a comprehensive program of downtown revitalization involving public and private sector cooperation in redevelopment and rehabilitation; and

WHEREAS, in pursuance of that goal, the Raleigh City Council adopted Resolution (1984) 506 on April 19, 1984, said resolution adopting the Old City Market Redevelopment Plan Amendment to the Downtown East/East Side Redevelopment Plan; and

WHEREAS, changing conditions have caused the necessity for some slight alterations in the plan adopted on April 19, 1984, by Resolution (1984) 506; and

WHEREAS, the proposed amendment to the plan adopted by Resolution (1984) 506 was presented to the public at a public hearing held before the Raleigh City Council, and Redevelopment Authority for the City, in accordance with North Carolina Urban Renewal Law; and

WHEREAS, on December 18, 1984, the City Council approved the Amendment to the Old City Market Redevelopment Plan by a vote of 7 ayes and 0 noes. (1 absent and excused)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The Amendment to the Old City Market Redevelopment Plan is hereby adopted and amended to the Downtown East/East Side Redevelopment Plan and that the City will undertake redevelopment and public improvements proposed by the plan in accordance with the provisions therein and applicable State and Federal laws.

Section 2. Except for the areas amended, the remainder of the plan adopted by Resolution (1984) 506 will remain in effect.

Adopted: 12/18/84

Effective: 12/18/84

Ms. Babb moved adoption of a resolution which amends the Bond Inducement Resolution to reflect a June 30, 1985 date. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 679

A RESOLUTION TO AMEND RESOLUTION NO. (1984) 521, A BOND INDUCEMENT RESOLUTION

WHEREAS, the City of Raleigh passed a Bond Inducement Resolution on May 15, 1984, for the purpose of expressing the intent of the City of Raleigh Redevelopment Commission to issue $3,800,000 of Redevelopment Bonds; and

WHEREAS, said Bond Inducement Resolution indicated in §3(c) thereof that the issuance and sale of the bonds must occur before December 31, 1984; and

WHEREAS, events and circumstances have caused delays in the project which necessitate the extension of the deadline for issuing and selling the bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT the City Council, acting as the Redevelopment Commission of the City of Raleigh, hereby amends Resolution No. (1984) 521 by deleting the date, "December 31, 1984," therefrom and inserting in lieu of the date, "June 30, 1985."

Adopted: 12/18/84

Effective 12/18/84

Mr. Calloway moved adoption of a resolution requesting the State Department of Commerce to allocate $3.8 million of the State's Private Activity Bond Limits to the City of Raleigh. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 680

A RESOLUTION TO REQUEST THE STATE DEPARTMENT OF COMMERCE TO ALLOCATE $3,800,000 OF THE STATE'S PRIVATE ACTIVITY BOND LIMIT TO THE CITY OF RALEIGH

WHEREAS, the City of Raleigh maintains an ongoing community development program in order to maintain the quality of life in the community; and

WHEREAS, as part of that program, the City has decided to rehabilitate and renovate an area known as the Old City Market (the Project) for office and retail space, as well as accompanying public improvements; and

WHEREAS, the financing scheme for the project involves the utilization of $3,800,000 in Redevelopment Bonds; and

WHEREAS, the City Market Project will be a great benefit to the economy and people of Raleigh;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT the Raleigh City Council, in its capacity as a Redevelopment Commission under Chapter 160A of the North Carolina General Statutes, as amended, (the "Authority"), hereby expresses its intent to request from the North Carolina Department of Commerce an allocation of $3,800,000 of the State's private activity bond limit for the Project (Project should be defined in the introductory language) pursuant to §103(n) of the Internal Revenue Code of 1954, as amended, and Executive Order 113 of the Governor of North Carolina, (1) such allocation to be used only for the Project when and if the allocation is assigned by the Department of Commerce, (2) that the allocation will be used within the time limits specified in the allocation document, or within any extension of those time limits granted by the Department of Commerce in subsequent written communication, (3) that the Authority will cause, without contest, any unused portion of the allocation to revert back to the State, and (4) that the Authority will report to the Department of Commerce the exact amount of the Bond Issue relating to the Project, within ten days after the Bond Closing.

Adopted: 12/18/84

Effective: 12/18/84

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda, indicating it would be handled in the same manner as the regular Consent Agenda. He explained items marked with one asterisk (*) beside the Certified Recommendation number indicates that those properties are located within flood-prone areas. Items marked with two asterisks (**) beside the Certified Recommendation number are located within Falls Basin. The following items were removed from the Consent Agenda: CR-5356 (PA-271) - Keller; CR-5353 (S-191-84) and CR-5362 (PA-281) - Babb - Ms. Babb also requested to be excused from participation in CR-5352 (S-190-84) as her husband is involved in this project; CR-5346 (S-181-84), CR-5355 (PA-269), CR-5364 (SC-261) and CR-5369 (Z-107-84) - Congleton; CR-5312 (S-175-84), CR-5354 (PA-221) and CR-5359 (PA-277) - Block. Without objection, these items were withdrawn from the Consent Agenda, and Ms. Babb was excused from participation on the vote on CR-5352. Mr. Walters moved the Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows.

SUBDIVISION S-172-84 - LONDONDERRY REVISION - APPROVED WITH CONDITIONS

This was a request for approval to revise a previously approved townhouse and condominium plan by shifting units to different locations and splitting a 16-unit building into four quadraplexes. The site, a 12.13 acre parcel, zoned Residential-10, was previously approved for 99 units, and the unit count will remain the same.

The property is located at the north end of Waterside Drive, just north of Pleasant Grove Church Road, inside the City Limits.

CR-5341 from the Planning Commission recommended that this request be approved according to a map entitled, "Londonderry Revisions," the property of W. T. Gosset, drawn by J. A. Bridger, dated August 22, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any final plats; and (2) that the existing street (Waterside Drive) be located in public right-of-way prior to any final plats being recorded. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-178-84 - NORTH RALEIGH PROPERTIES - APPROVED

This was a request for approval to subdivide approximately 7.4 acres into two lots (3.3 and 4.1 acres). The property is presently zoned Office and Institution-III, Residential-4 and Conservation/Buffer. An office building is proposed to be constructed on a portion of the property (zoned Office and Institution-III). (See PA-270)

The property is located adjacent to and north of US 1 and 64, east of St. Albans Drive, within the City Limits.

CR-5342 from the Planning Commission recommended that this request be approved according to a map entitled, "North Raleigh Properties," the property of North Raleigh Properties, drawn by LaMarr Bunn and Associates and Bass, Nixon and Kennedy, Incorporated, dated November 1, 1984, revised November 21, 1984, and December 3, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

PA-270 - NORTH RALEIGH PROPERTIES - APPROVED

This was a request for approval to construct a 15,600 square foot office building on approximately 1.8 acres which are currently undeveloped and zoned Office and Institution-III, Residential-4 and Conservation/Buffer.

The property is located adjacent to and north of US 1 and 64, east of St. Albans Drive, within the City Limits.

CR-5343 from the Planning Commission recommended that this request be approved according to a map entitled, "North Raleigh Properties," the property of North Raleigh Properties, drawn by LaMarr Bunn and Associates, dated November 1, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-179-84 - EFTEKHARI PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 6.14 acre parcel into two lots (approximately .5 and 5.7 acres in size). The property is presently developed with a single-family dwelling, and is zoned Neighborhood Business and Industrial-I. No further development is proposed at this time.

The property is located adjacent to and east of Wake Forest Road, north of Ronald Drive, outside the City Limits.

CR-5344 from the Planning Commission recommended that this request be approved according to a map entitled, "Eftekhari Property," the property of Natefi Eftekhari Hatefi, drawn by Castleberry-Edgerton, Incorporated, dated October 18, 1984, revised November 19, 1984, and November 30, 1984, with the condition that the cross-parking and access agreement be approved by the City Attorney's Office prior to the recording of the final plat. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-180-84 - ROLLY BANNISTER PROPERTY - APPROVED

This was a request for approval to subdivide a 1.80 acre parcel into two lots (approximately 0.82 and 0.98 acre in size). The property is presently zoned Industrial-I and is improved with an existing car sales business, metal storage building, and a restaurant.

The property is located at the southwest corner of the intersection of Tryon Road and US 70, outside the City Limits.

CR-5345 from the Planning Commission recommended that this request be approved according to a map entitled, "Rolly Bannister Property," the property of Rolly Bannister, Jr., drawn by Linwood E. Byrd, Incorporated, dated October 31, 1984, revised November 21, 1984, November 30, 1984, and December 3, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-182-84 - WAKE COUNTY OFFICE PARK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 75.98 acres by dedication and construction of Poole Road Extension and a north-south collector street on the east side of the property, zoned Industrial-I and Office and Institution-II.

The property is located at the northwest corner of the interchange of the Beltline and Poole Road, outside the City Limits.

CR-5347 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake County Office Park," the property of Wake County, drawn by J. Frank Braxton and Charles A. Musser, Jr., dated October 30, 1984, revised November 20, 1984, with the following conditions: (1) That the developer obtain off-site sanitary sewer easement(s) deed(s) prior to the signing of construction drawings; and (2) that the developer show construction of one-half of a 65-foot street section, including curb, gutter and sidewalk on the north side of Poole Road in conformance with City Standards and the adopted Thoroughfare Plan. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-186-84 - RALEIGH CORPORATE CENTER - APPROVED

This was a request for approval to subdivide a 223.2 acre parcel which is currently undeveloped and zoned Thoroughfare District into 50 lots.

The property is located adjacent to and east of Interstate 40, west of Nowell Road, south of Trinity Road, and north of Highway 54, outside the City Limits.

CR-5349 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Corporate Center," the property of I-40 Development Company, drawn by John A. Edwards and Company, dated November 1, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-187-84 - BERKSHIRE DOWNS WEST REVISION - APPROVED WITH CONDITION

This was a request for approval to revise a previously approved cluster unit development to subdivide a 114.5 acre parcel into a total of 676 dwelling units (132 single-family residences, 66 duplex units, 216 townhomes, and 192 apartments). A portion of the property is already developed as shown on the site plan.

The property is located south and adjacent to Perry Creek Road, outside the City Limits.

CR-5350 from the Planning Commission recommended that this request be approved according to a map entitled, "Berkshire Downs West Revision," the property of Paragon Development Company, drawn by Priest, Craven and Associates, dated November 1, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-188-84 - HUNTERS RUN - APPROVED WITH CONDITION

This was a request for approval to construct 127 townhouse units on 22.65 acres which are currently vacant and zoned Residential-6.

The property is located on the western side of Bashford Road, between NC 54 and Buck Jones Road, outside the City Limits.

CR-5351 from the Planning Commission recommended that this request be approved according to a map entitled, "Hunters Run," the property of John Bullock, drawn by McNeely Associates, dated October 31, 1984, revised November 21, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any plats. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-190-84 - BURKE PROPERTY - APPROVED

This was a request for approval to subdivide 34.3 acres which are currently undeveloped and zoned Residential-1 into 17 lots.

The property is located on the north side of Durant Road and west of Falls of Neuse Road, within the Falls Basin area, outside the City Limits.

CR-5352 from the Planning Commission recommended that this request be approved according to a map entitled, "Burke Property," the property of Weaver-Rogers Associates, drawn by Barrett Kays and Associates, dated November 20, 1984. Consent Agenda approval: Walters/Keller - 6 ayes. (Ms. Babb excused from participation in this vote during the vote on the Consent Agenda.)

PA-272 - SIX FORKS OFFICE BUILDING - APPROVED

This was a request for approval to construct a 6,000 square foot office building on an 0.8 acre site which is undeveloped and zoned Office and Institution-III.

The property is located on the east side of Six Forks Road, north of Crown Oaks Drive, outside the City Limits.

CR-5357 from the Planning Commission recommended that this request be approved according to a map entitled, "Six Forks Office Building," the property of Vincent Struble, drawn by Boisseau Design Group, dated October 30, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

PA-276 - LAWSON BUILDING - APPROVED

This was a request for approval to construct a 3,900 square foot office building on a 0.69 acre parcel which is currently undeveloped and zoned Office and Institution-III.

The property is located on the northwest corner of Sawmill Road and Northway Court, outside the City Limits.

CR-5358 from the Planning Commission recommends that this request be approved according to a map entitled, "Lawson Building," the property of J. D. Beam, drawn by Haskins and Rice, dated November 26, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

PA-280 AND SC-266 - WEST OF THE RANCH - APPROVED WITH CONDITIONS

This was a request for approval to construct two buildings on two lots that are currently undeveloped - Lot A - 1.44 acres, building 17,400 square feet, zoned Shopping Center and Office and Institution-I; and Lot B - 2.15 acres, building 6,725 square feet.

The property is located on the south side of St. Giles Street, just west of Oak Park Road, inside the City Limits.

CR-5361 from the Planning Commission recommended that this request be approved according to a map entitled, "West of the Ranch," the property of Ed Bailey, drawn by McNeely and Associates, dated December 4, 1984, with the following conditions: (1) That the property be recombined into two lots prior to issuance of building permits; (2) that cross-parking and access agreements be reviewed and approved by the City Attorney's Office and recorded prior to issuance of a building permit; and (3) that a sign criteria covering both lots be approved prior to issuance of a building permit. Consent Agenda approval: Walters/Keller - 7 ayes.

PA-282 - CONSTAN'S ADDITIONS - APPROVED

This was a request for approval to construct a 780 square foot storage building on a 0.75 acre parcel which is developed as an automobile service center and is zoned Neighborhood Business.

The property is located on the west side of Wake Forest Road, just north of Six Forks Road, inside the City Limits.

CR-5363 from the Planning Commission recommended that this request be approved according to a map entitled, "Constan's Additions," the property of Constan Car Care, drawn by Constan Car Care, dated October 30, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SC-263 - FESTIVAL AT SIX FORKS (FLYTHE BUILDING) - APPROVED WITH CONDITION

This was a request for approval to construct a 5,000 square foot building on a 0.47 acre parcel, zoned Shopping Center. This is a portion of the overall shopping center complex on 9.58 acres.

The property is located on the south side of Sawmill Road, just west of Six Forks Road, inside the City Limits.

CR-5365 from the Planning Commission recommended that this request be approved according to a map entitled, "Festival at Six Forks (Flythe Building)," the property of Edwin E. Flythe, drawn by Flythe Construction Company, dated June 23, 1984, with the following conditions: (1) That cross-parking and access agreements be reviewed by the City Attorney's Office and recorded prior to issuance of building permits; and (2) that the building be architecturally similar to the shopping center. Consent Agenda approval: Walters/Keller - 7 ayes.

SC-265 - PRECISION TUNE - APPROVED

This was a request for approval to construct a 7,762 square foot automobile service center on 0.38 acre, zoned Shopping Center, and approval of a 72 square foot free-standing sign on the eastern portion of the lot.

The property is located on the north side of Ollie Street, just east of Bland Road, inside the City Limits.

CR-5366 from the Planning Commission recommends that this request be approved according to a map entitled, "Precision Tune," the property of Craftmans Drive Associates, drawn by Troy Herring, dated October 10, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SC-267 - BUDGET RENT-A-CAR - APPROVED WITH CONDITIONS

This was a request for approval to construct a 240 square foot rental office in the existing shopping center, zoned Shopping Center.

The property is located on the south side of US 70, just east of Creedmoor Road (Crabtree Valley Mall), inside the City Limits.

CR-5367 from the Planning Commission recommends that this request be approved according to a map entitled, "Budget Rent-A-Car," the property of Budget Rent-A-Car, drawn by Envirotek, Incorporated, dated November 1, 1984, with the following conditions: (1) That the building conforms to the North Carolina Uniform Building Code; (2) that any signs conform to the Sears color scheme; and (3) that the building be architecturally similar to the rest of the shopping center. Consent Agenda approval: Walters/Keller - 7 ayes.

SC-268 - HILLSBOROUGH STREET - APPROVED

This was a request for approval to construct a 4,800 square foot commercial use, 15 one-bedroom units and one two-bedroom unit on a 0.61 acre, zoned Shopping Center. The property is currently developed with three structures to be removed or demolished prior to construction.

The property is located on the north side of Hillsborough Street, inside the City Limits.

CR-5368 from the Planning Commission recommended that this request be approved according to a map entitled, "Hillsborough Street," the property of Investment Properties, Incorporated, drawn by Bass, Nixon and Kennedy, dated December 3, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-147-84 - OLDE PROVINCE REVISIONS, LOTS 1 AND 8 - APPROVED WITH CONDITION

This was a request to revise the location of two townhouse buildings (14-plex and 15-plex), each on its own lot, zoned Residential-10. Lot 8 is 0.52 acres and Lot 1 is 0.4 acres.

The property is located at the northeast and southeast corners of Lynn Road and Olde Province Court.

CR-5373 from the Planning Commission recommended that this request be approved according to a map entitled, "Olde Province Revisions, Lots 1 and 8," the property of Charlie Bell and Max Barbour, drawn by Envirotek, Inc., dated November 27, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any final plats. Consent Agenda approval: Walters/Keller - 7 ayes.

SUBDIVISION S-192-84 - STONEHENGE X - APPROVED

This was a request to revise the previously approved Cluster Unit Development to a single family development, consisting of 29.28 acres which are currently undeveloped and zoned Residential-4 (24.66 acres) and Residential-6 (4.62 acres) into 52 lots.

The property is located on Bridgeport and Bluffridge Drives, outside the City Limits.

CR-5374 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge X," the property of Development Associates, drawn by Penny Green and Associates, dated November 28, 1984. Consent Agenda approval: Walters/Keller - 7 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-175-84 - PARK GLEN CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval to subdivide a 16.1 acre tract which is undeveloped and zoned Residential-6 into two lots, for a total of 96 units.

The property is located on the east side of Raleigh Boulevard, just north of Glascock Street, inside the City Limits.

CR-5312 from the Planning Commission recommended that this request be approved according to a map entitled, "Park Glen Condominiums," the property of Metro Area Developers, drawn by Priest, Craven and Associates, dated October 1, 1984, with the condition then when Lot 2 or Phase 2 is developed, that each unit be added to Lot 1 or Phase 1.

Mrs. Block indicated in reading the minutes on this subdivision, she was confused about the location of the panhandle lots. Planning Director Chapman indicated a previously approved plan had panhandle lots, but none are included in this new plan. Mrs. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-181-84 - SPRING FOREST CROSSING - APPROVED

This was a request for approval to subdivide a 20.1 acre parcel into five parcels to be developed in phases. The property is presently zoned Industrial-I, Shopping Center and Residential-4.

The property is located north and south of proposed Spring Forest Road, east and west of Old Wake Forest Road, inside and outside the City Limits.

CR-5346 from the Planning Commission recommended that this request be approved according to a map entitled, "Spring Forest Crossing," the property of North Raleigh Storage Partners, Spring Forest and Atlantic Avenue Associates, Spring Forest Associates, Limited, and Timber Ridge Associates, drawn by Billups and Associates, dated October 31, 1984.

Mr. Congleton questioned if this subdivision recognizes the new alignment of Spring Forest Road, with Planning Director Chapman indicating it does and explained the location of the new alignment. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously.

SUBDIVISION S-191-84 - WESCO SUBDIVISION - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide a 9.6 acre parcel which is currently undeveloped and zoned Industrial-II into three lots (2.1, 20.2 and 5.5 acres in size).

The property is located adjacent to and west of Noblin Street, south of Yonkers Road, inside the City Limits.

CR-5353 from the Planning Commission recommended that this request be approved according to a map entitled, "Wesco Subdivision," the property of J. W. York, drawn by John A. Edwards Company, dated November 21, 1984, with the condition that the

developer provide street improvements to Raleigh Boulevard per the City's Subdivision requirements and the adopted Thoroughfare Plan.

Ms. Babb indicated she requested that this item be withdrawn from the Consent Agenda, indicating she would like to refer it to the Law and Finance Committee as there does seem to be some confusion about the condition. She moved that S-191-84 be referred to the Law and Finance Committee. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously.

PA-221 - JOYNER PROPERTY - APPROVED WITH CONDITION

This was a request for approval to change the use of an existing 3,200 square foot building from residential to office use, and move two 2,100 square foot buildings to be used as office units onto three lots (total acreage - 0.73 acre), zoned Office and Institution-I.

The property is located on the east side of North Person Street, south of East Jones Street, inside the City Limits.

CR-5354 from the Planning Commission recommended that this request be approved according to a map entitled, "Joyner Property," the property of Joyner Associates, Limited, drawn by Jane Norton, dated November 8, 1984, with the following condition:

(1) That the recombination of the three lots be recorded prior to building or moving permits are issued; (2) that the Board of Adjustment grant the variance of 11 parking spaces; and (3) that the cross-access and parking agreements are reviewed and approved by the City Attorney's Office and recorded prior to issuance of any permits.

Planning Director Chapman explained the request, with Chairman McNeely explaining the Planning Commission's recommendation. Mrs. Block indicated they are eleven parking spaces short and questioned if this has been before the Board of Adjustment or the approval is contingent upon Board of Adjustment approval. Planning Director Chapman indicated this item was on the Board of Adjustment Agenda the same day it was on the Planning Commission Agenda, and the Board did approve it. Mrs. Block moved to refer the matter to the Public Works Committee as she is concerned about the variance of eleven parking spaces. Mayor Upchurch indicated the Council could not reverse the Board's action. Mrs. Block's motion died for the lack of a second. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-269 - TOLSON/FINLEY OFFICE BUILDING - APPROVED

This was a request for approval to construct a 12,500 square foot office building on an 0.88 acre parcel which is undeveloped and zoned Office and Institution-I.

The property is located on the east side of Falls of Neuse Road, across from Lake Forest Drive, inside the City Limits.

CR-5355 from the Planning Commission recommended that this request be approved according to a map entitled, "Tolson/Finley Office Building," the property of A. Earle Finley, drawn by Fred Tolson and Associates, dated November 21, 1984.

Mr. Congleton questioned how many floors are in the proposed office building, pointing out he could not tell from the Certified Recommendation. It was pointed out this building will have two floors. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-271 - GOLDEN CORRAL - REFERRED BACK TO THE PLANNING COMMISSION

This was a request for approval to construct a 4,824 square foot restaurant on an 0.86 acre parcel which is currently developed with structures that will be removed. The property is zoned Neighborhood Business.

The property is located at the northeast corner of Western Boulevard and Whitmore Drive, inside the City Limits.

CR-5356 from the Planning Commission recommended that this request be approved according to a map entitled, "Golden Corral," the property of Golden Corral Family Steak House, drawn by Fred Tolson and Associates, dated December 3, 1984, with the condition that the property is recombined into one tract prior to issuance of building permits.

Mr. Keller indicated he requested this item be pulled from the Consent Agenda, pointing out the Certified Recommendation says the property is zoned Neighborhood Business. He indicated the front of the property is Neighborhood Business, but the back third of the property is residentially zoned. Mr. McNeely indicated this was on the Planning Commission Consent Agenda and not discussed. Mrs. Block moved that this item be referred back to the Planning Commission, pointing out Mr. Keller is correct in that the back portion of the property is residentially zoned. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-277 - CROWN PETROLEUM CORPORATION - APPROVED WITH CONDITION

This was a request for approval to construct a 390 square foot convenience food mart on 0.5 acre which is currently developed as a gasoline station and zoned Neighborhood Business.

The property is located on the south side of Six Forks Road, west of Wake Forest Road, inside the City Limits.

CR-5359 from the Planning Commission recommended that this request be approved according to a map entitled, "Crown Petroleum Corporation," the property of Crown Central Petroleum Corporation, drawn by Envirotek, Incorporated, dated November 26, 1984, with the condition that Selby Drive be improved to collector street standards in accordance with S-8-78 prior to issuance of any permits on Lot 3 (Crown) or Lot 14 as shown on recorded plat, Book 1979, Page 646.

Planning Director Chapman explained the location and Chairman McNeely explained the Planning Commission's recommendation. Mrs. Block questioned the location of the floodplain and this was pointed out. Mrs. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-281 - YORK PROPERTIES - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to construct a 9,517 square foot office building on 1.0 acre which is undeveloped and zoned Office and Institution-I.

The property is located on the east side of NC 50, just south of Strickland Road, outside the City Limits.

CR-5362 from the Planning Commission recommended that this request be approved according to a map entitled, "York Properties," the property of York Properties, drawn by Jerry Turner and Associates, dated November 26, 1984, with the following conditions: (1) That public water is extended to this site in conformance with Section 8-2066; and (2) that road improvements consisting of one-half of a 65-foot back-to-back street plus sidewalk (thoroughfare standards) be done along NC 50 for the length of the lot in conformance with Section 8-2063(c). These conditions should also be required for the remaining lots within the Ruth B. Smith Subdivision - S-107-83.

Ms. Babb indicated she would like this item to be referred to the Law and Finance Committee to look at the stipulations on the Certified Recommendation and so moved. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-261 - STONEHENGE MARKET PLACE - APPROVED WITH CONDITION

This was a request for approval to construct a 198,000 square foot shopping center consisting of eight buildings on 18.16 acres which are currently undeveloped and zoned Shopping Center.

The property is located on the northeast corner of Creedmoor Road and Stonehenge Drive, outside the City Limits.

CR-5364 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge Market Place," the property of Development Associates, drawn by LaMarr Bunn and Associates, dated November 22, 1984, with the following conditions: (1) That all buildings, including out parcels, are architecturally similar; and (2) that a sign criteria is approved prior to issuance of a building permit.

Mr. Congleton questioned if they are being required to build the road frontage, with it being pointed out the developer will be required to build the road frontage. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-107-84 - DURALEIGH ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 4.4 acres from Residential-4 to Residential-10.

CR-5369 from the Planning Commission recommended that Z-107-84 be approved as amended; that is, that the property contained in Z-107-84 be rezoned to Residential-6.

Planning Director Chapman explained the request. Chairman McNeely explained the Planning Commission's recommendation. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway. Mrs. Block questioned if this was the area in which a street is supposed to go through, with it being pointed out that was another zoning case. Mrs. Block pointed out she feels we need a cross street somewhere in this area. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 466 ZC 151.

SUBDIVISION S-183-84 - CHARTER RIDGE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 13.64 acre parcel which is zoned Residential-4 into 36 lots.

The property is located adjacent to and east of Falls of Neuse Road, south of Strickland Road, within the City Limits.

CR-5348 from the Planning Commission recommended that this request and the variance to permit a cul-de-sac greater than 800 feet in length be approved according to a map entitled, "Charter Ridge," the property of Thomas P. Laney, drawn by LaMarr Bunn and Associates, dated November 19, 1984, with the following conditions: (1) That the strip located along the northern property line be denoted as a landscape buffer to be owned and maintained by the homeowners association to be formed for which the legal documents must be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (2) that the requirement that a 25-foot access easement be located between Lots 30 and 31 to provide access to the landlocked lot to the south only be enforced until the landlocked lot to the south is recombined.

Planning Director Chapman explained the Planning Commission's recommendation. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block questioned if the road will be maintained by a homeowners association or dedicated to the City, with Planning Director Chapman indicating it will be a public street. He pointed out this recommendation does unlock all landlocked properties. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-136-84 - DURALEIGH ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one acre from Residential-4 to Residential-10.

CR-5370 from the Planning Commission recommended that Z-136-84 be approved as amended; that is, that the property contained in Z-136-84 be rezoned to Residential-6.

Planning Director Chapman explained the rezoning request and Chairman McNeely explained the work and the recommendation of the Committee on this case. Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 466 ZC 151

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Creedmoor Road, east side, between Marriott Drive and Shelley Road, being a portion of Parcel 4, Tax Map 406, rezoned to Residential-10 with a 20-foot Conservation/Buffer along Creedmoor Road and 75 feet of Residential-4 along the northern boundary of the property, according to map on file in the City of Raleigh Planning Department. (Z-56-84)

(b) Duraleigh Road, east side, about 1,700 feet south of Crabtree Creek, being Parcel 7, County Tax Map 404, rezoned to Residential-6: (Z-107-84)

(c) Six Forks Road, east side, at its southern intersection with the proposed extension of Mourning Dove Road, opposite Sawmill Road, being a portion of Parcel 23, Tax Map 324, rezoned to Shopping Center and Conservation/Buffer (a 50-foot strip along the south and east sides of the request adjacent to Residential-10), according to map on file in the City of Raleigh Planning Department. (Z-112-84)

(d) Duraleigh Road, west side, at its southern intersection with Rockwood Drive, being Parcels 85 and 86, Tax Map 432, rezoned to Residential-6. (Z-136-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective December 18, 1984.

Adopted: 12/18/84

Effective: 12/18/84

Z-113-84 - HONEYCUTT CREEK ROAD - DENIED

This was a request for approval to rezone approximately 2.1 acres from Residential-1 to Shopping Center.

CR-5371 from the Planning Commission recommended that Z-113-84 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely indicated the case was deferred until documentation on the sewerbility of the property was presented. He indicated the Planning Commission did not feel they should delay the case any further; therefore, it was sent forward with recommendation of approval. Mr. Congleton indicated he has some extreme problems with this case; therefore, he would move denial of rezoning Z-113-84. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-138-84 - INTERSTATE 40 - TO BE PLACED ON THE JANUARY 15, 1985 AGENDA FOR FURTHER CONSIDERATION

This was a request for approval to rezone approximately 47.2 acres from Residential-4 (30.4 acres), Residential-6 (15.1 acres), and Residential-10 (1.7 acres) to Thoroughfare District (44.8 acres), Residential-10 (.48 acre) and Conservation/Buffer (1.9 acres - the proposed future right-of-way of Western Boulevard Extension).

CR-5372 from the Planning Commission recommended that Z-138-84 be approved as amended; that is, that the portion of the request adjacent to Interstate 40 between Interstate 40 and Farmgate Road be rezoned to Thoroughfare District as requested; that the small (.48 acre) portion on the south side of the request adjacent to Interstate 40 be rezoned to Residential-10; that the portions east of Farmgate Road be rezoned to Residential-6; and that the Conservation/Buffer request (1.9 acres) remain Residential-4 (be denied).

Planning Director Chapman explained this request and Chairman McNeely explained the Planning Commission's recommendation. Mrs. Block moved that Z-138-84 be referred to the Public Works Committee. Her motion was seconded by Mr. Calloway. Mr. Walters questioned if there is a reason to hold up this case and why it would be referred to Committee. Mrs. Block explained it is a rather complex zoning, and she would like an opportunity to study it further. Mr. Congleton pointed out there have been a lot of requests for rezoning in this area and explained his feeling on this zoning case, pointing out he is really more comfortable with the request than the recommendation as he does not understand the R-4 portion of the recommendation. The Interstate 40 alignment, ramp exits and access to the area was discussed. Mrs. Block pointed out this property, when developed, will create a great deal of traffic. She pointed out Western Boulevard Extension is not even in the ten-year plan, and if this property is developed, without the Western Boulevard Extension, the traffic will come right through residential neighborhoods such as Boylan Heights. The motion to refer the item to the Public Works Committee was put to a vote which resulted as follows: Ayes - Block, Keller, Upchurch; Noes - Babb, Calloway, Congleton, Walters. The Mayor ruled the motion defeated.

Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Congleton made a substitute motion that the rezoning application as requested be approved with the exception of the Conservation/Buffer, pointing out his motion would rezone the property to Thoroughfare District and Residential-10. Mr Congleton's substitute motion was seconded by Mr. Walters. Mr. Keller indicated he would like to see the request go back to the Planning Commission. He explained this is a large tract of property and only about a third of it came in for rezoning, and he would like to see the whole block submitted for rezoning, with Mr. Walters pointing out you cannot require someone to file a rezoning request. Mrs. Block indicated the request is premature and speculative, and she just does not see using a zoning petition to force the building of a road. Mayor Upchurch indicated there have been other cases in which a Council Member had asked that a matter go to Committee, and as a courtesy to that Council person, the item was referred to Committee. He stated, without objection, he would place this rezoning application on the next Agenda. Mr. Walters pointed out there is a motion on the floor and he would call for a point of order, with Mr. Congleton pointing out maybe Mr. Keller has a point, and the whole thing should be referred back to the Planning Commission. Lengthy discussion took place on parliamentary procedure and what should be done at this point, with the Mayor stating, without objection, he would place it on the next Agenda, with Mr. Walters pointing out he had objected. Therefore, there was a motion to overrule the Mayor in placing this on the next Agenda which was put to a vote with results as follows: Ayes - Congleton, Walters; Noes - Babb, Block, Keller, Calloway, Upchurch. The Mayor ruled that Z-138-84 would be placed on the January 15, 1985 Agenda.

COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE APPOINTMENTS - NO ACTION TO BE TAKEN

Mayor Upchurch indicated Mrs. Cates had asked that we take no votes on Committees, Commissions and Boards at today's meeting. He pointed out we would take nominations but not vote on any vacancies today. Discussion took place as to whether this should be a procedure or whether the Council should go ahead and vote when a Council Member is absent. It was agreed that no final action would be taken on any vacancies at today's meeting.

PARKS AND RECREATION ADVISORY BOARD - NO ACTION TAKEN

The terms of Robert E. Monroe and Jeanette Bennett expire December 23. Nominations include Mr. Monroe, Ms. Bennett and Patricia Yancy. Nominations have not been closed and no nominations were made.

HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The City Clerk reported two vacancies due to the resignation of Nat H. Robb and Cecelia Winslow. J. C. Knowles has been nominated by Mr. Walters. Nominations have not been closed. Mrs. Block nominated Mary Margaret (Peggy) Dixon. No further action was taken.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS TAKEN - ADMINISTRATION TO CHECK INTO SITUATION IN TELECOMMUNICATIONS COMMISSION'S ADMINISTRATION

The City Clerk reported one vacancy due to the resignation of Paul Vandergrift. Nominations include Thomas McCrary and Laura Kranifeld. Nominations have not been closed. No further action was taken.

The City Clerk reported the Chairman's position of the Telecommunications Commission is vacant. Nominations include Joan Baron and Karen B. Peeler. Nominations have not been closed. Ms. Babb indicated she thought all Council Members received a letter from Joan Baron indicating she would withdraw her name from consideration as Chairperson of the Telecommunications Commission. Ms. Babb read the letter in full. She pointed out she is sure anyone can read between the lines to some extent, pointing out there seems to be a problem on the Telecommunications Commission, and it is a problem in terms of staff and the Commission being out of their proper role. She pointed out she felt everyone was aware of the situation. She indicated here we have a situation of which the position of Chairman of a Commission becomes vacant, and we have a person on the Commission who would be an excellent Chairperson who does not want to serve because of a problem, and she feels this is a serious situation. She indicated maybe we should look at the relationship of the Telecommunications Commission and staff and their role and would ask that the City Manager take this item as a special item maybe after the first of the year and make an assessment of what is going on. She stated this is an important Commission, and its mission is important, and she feels the situation should be clarified. She further feels we should hold on naming a Chairperson until after we can get this problem resolved, with the understanding that the Vice Chairperson would continue to preside. Mr. Walters indicated he agreed with Ms. Babb in her assessment. He indicated he would still encourage Ms. Baron to accept the Chairperson's position. He indicated the Telecommunications Commission is advisory to the City Council and not to the staff, and the staff should work with the Telecommunications Commission, but it is the Commission that is advisory to the Council. Without objection, the item was referred to the City Manager.

The City Clerk indicated there are a number of terms on the Telecommunications Commission that will expire January 10. No nominations have been made. Mrs. Block nominated Miriam Dorsey and Diana Hudgens. Mr. Walters nominated John Kinney and Ken Durham. Mr. Calloway nominated Ron McCrimmon and Dr. Donell H. Lewis. Mayor Upchurch nominated Wayne Hurder. It was pointed out the term of Allan Blatecky expires; however, Mr. Blatecky had submitted a letter of resignation as he had moved out of the City. No further action was taken.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Norma Burns expires February 3. She is eligible for reappointment and has a good attendance record. The term of Betsy Ann Bradshaw expires February 17. She is eligible for reappointment but has indicated she does not wish to be reappointed. No nominations have been made. Mayor Upchurch nominated Norma Burns. Mrs. Block nominated Ollie Adams for the February 17 vacancy. No further action was taken.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Stan Williams and Phil Hinton expire February 17, 1985. Both are eligible for reappointment and have good attendance records. No nominations have been made. Mr. Congleton nominated Mr. Hinton. Ms. Babb nominated Mr. Williams.

HOUSING APPEALS BOARD - NO ACTION TAKEN

The City Clerk reported the term of Perry Safran expires February 3, 1985. He is eligible for reappointment. The City Clerk pointed out she did not have an attendance record. No nominations have been made and no nominations were made.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

REZONING Z-54-84 - EDWARDS MILL ROAD - TO BE PLACED ON JANUARY 15, 1985 AGENDA

Mr. Keller reported the Law and Finance Committee recommends rezoning property covered by application Z-54-84 to Residential-6 and Residential-10 according to a map entitled, "Law and Finance Committee Recommendation, dated December 12, 1984," which will be available at the Council Meeting and on file in the City of Raleigh Planning Department.

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mrs. Block indicated Mrs. Cates is very interested in this case, and because of her absence, she would ask that it be held until Mrs. Cates returns. Mayor Upchurch stated, without objection, Rezoning Z-54-84 would be held. Mr. Walters objected, with Mayor Upchurch indicating we would vote to overrule the chair. Mr. Walters indicated he did not ask to vote to overrule the chair, he just objected to holding an item because some member was absent. Mrs. Block indicated Mr. Walters should remember that he may be absent sometime and would like to have an item held. Mayor Upchurch indicated the Council would take a vote to overrule the chair which resulted in all members voting in the negative. Mayor Upchurch announced the motion defeated; therefore, Z-54-84 - Edwards Mill Road would be placed on the next Agenda.

REZONING Z-112-84 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

Mr. Keller pointed out the Law and Finance Committee recommends that the Planning Commission's recommendation to rezone the property covered by this application from Office and Institution-III to Shopping Center and Conservation/Buffer (a 50-foot strip along the south and east sides of the request adjacent to the Residential-10 property) be upheld. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mayor Upchurch who voted in the negative. The Mayor ruled the motion approved. See Ordinance 466 ZC 151. (It was reported that since this motion received only five votes, it would be placed on the next Agenda for consideration on a second recording; however, the City Attorney explained since one Council Member was absent, the motion passed.)

UNFIT BUILDING - 441 FOWLE STREET - ORDINANCE ADOPTED

Chairman Keller reported the Law and Finance Committee recommends that Ordinance 1984 - 409 as it relates to 441 Fowle Street be repealed as repairs are being made to bring the house into compliance with City of Raleigh Code. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 467

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. (1984) 409 RELATING TO THE PROPERTY OF 441 FOWLE STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. (1984) 409 relating to the property at 441 Fowle Street and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. (1984) 409 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective December 18, 1984.

Adopted: 12/18/84

Effective: 12/18/84

UNSAFE BUILDING DEMOLITION COST - O'KELLY STREET - NO RELIEF GRANTED

Chairman Keller reported the Law and Finance Committee recommends denial of Margaret Rose Murray's request for relief of penalty and interest relating to assessments on O'Kelly Street and reaffirm previous action to confirm the assessments against this property. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TRAFFIC - CONTROLLED RESIDENTIAL PARKING ON BEDFORD AVENUE - APPROVED

Chairman Keller reported the Law and Finance Committee recommends that controlled residential permit parking area (a) be established on Bedford Avenue, both sides, between Brooks Avenue and Dixie Trail with the exception of the school property frontage. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 468

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 21-A (Permit Parking) be amended by adding the following:

Bedford Avenue, north side, between Brooks Avenue and Dixie Trail
Bedford Avenue, south side, from Brooks Avenue, westward 400 feet

Amend said Section further by deleting the following:

Bedford Avenue, both sides, between Brooks Avenue and Dixie Trail

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance will become effective December 23, 1984.

Adopted: 12/18/84

Effective: 12/23/84

TELECOMMUNICATIONS COMMISSION - MEMBERSHIP RESIDENCY - CHANGE AUTHORIZED

Chairman Keller reported the Law and Finance Committee recommends that the ordinance establishing the Telecommunications Commission be amended to allow up to two members from the City's ETJ and to require that the Chairperson of the Commission be a City of Raleigh resident. (Council Members received a proposed City Code amendment in their Agenda packet.) On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 469

AN ORDINANCE TO RECONSTITUTE THE MEMBERSHIP OF THE RALEIGH TELECOMMUNICATIONS COMMISSION

WHEREAS, the City of Raleigh has chosen to regulate certain aspects of the telecommunication industry by establishing the Raleigh Telecommunications Commission; and

WHEREAS, the City is currently regulating some such activities outside the corporate limits pursuant to a contract with Wake County; and

WHEREAS, the City is desirous of providing a mechanism to allow participation on the Commission by non-city residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. §9-9002 of the Raleigh City Code be amended to read as follows:

"The Raleigh Telecommunications Commission (hereinafter referred to as the "Commission") shall be composed of fifteen (15) members, including a chairman, such members and chairman to be named by the City Council. Up to two members of the Commission may come from any areas outside the City Limits over which the City exercises telecommunications administrative authority either by grant of franchise or contract with another franchising governmental unit. The chairman of the Commission shall at all times be a resident of the City.".

Adopted: 12/18/84

Effective: 12/18/84

FINANCIAL REPORT - ACCEPTED - ADMINISTRATION TO IMPLEMENT RECOMMENDATIONS

Chairman Keller reported the Law and Finance Committee enthusiastically recommends acceptance of the Financial Report for the fiscal year which ended June 30, 1984. The Committee further recommends that the management letter, when received, be forwarded to the City Manager to implement the recommendations to the extent feasible. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ENCROACHMENT - NORTH HILLS DRIVE - REFERRED TO THE CITY MANAGER FOR ADMINISTRATIVE APPROVAL

Mr. Congleton indicated during the last Council Meeting, Kirk Anderson requested that he be allowed to enter into an encroachment agreement with the City to allow him access to his property to North Hills Drive across land owned by the City. He explained at that time, Administration recommended approval of the encroachment agreement with certain conditions as outlined by the Manager at that time. He stated, however, at his request, the matter was referred to the Law and Finance

Committee to look at the possible use of the property for additional parking for Shelley Sertoma Park. He stated at that point in the Law and Finance Committee, there were only two members present, and they could not reach an agreement. He stated, therefore, he would like to bring this out of the Law and Finance Committee and refer it to the City Manager, and when he is satisfied with the item, the Manager be allowed to approve the encroachment agreement without it coming back to City Council. Mr. Congleton moved that the encroachment agreement, as requested by Mr. Anderson relating to North Hills Drive, be referred to the City Manager to be approved administratively by the City Manager under the conditions outlined in the last Council Meeting, and when the Manager is satisfied about the location of the road, acquisition of right-of-way, etc. His motion was seconded by Ms. Babb.

Discussion took place with Mrs. Block pointing out she feels the matter should be left in the Law and Finance Committee as the Real Estate Committee is also discussing the item. Mr. Keller explained he had voted against the encroachment in the Law and Finance Committee as Administration, at that point, had suggested that it be referred to the Real Estate Committee to discuss the road location, acquisition of property, etc. He indicated since the Committee could not reach a consensus, he had taken the Chairman's prerogative and asked that the City Manager take the item to the Real Estate Committee and report back to the Law and Finance Committee. City Manager Benton indicated he feels that either way, the same solution can be reached. He stated the City should be protective of the City's interest, and the end result would be the same whether Mr. Congleton's motion is approved or the item is retained in Committee while the question is being resolved. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

PU 1984-8 - PLEASANT VALLEY ROAD AREA - PROJECT APPROVED AS AMENDED

Mrs. Block reported the Public Works Committee recommends the adoption of a resolution directing Public Utility Project 1984-8 with the exception that the installation in the easement between Duraleigh Road and Grove Church Road be deleted. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 681

A RESOLUTION TO DIRECT THAT THE SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

> PU 1984-8 - Installation of approximately 1,140 feet of 8-inch sanitary sewer main beginning at the fire station on Pleasant Valley Road; thence north along Commerce Drive and along easement at Elk Electric, Inc., with the exception that the installation and the easement between Duraleigh Road and Grove Church Road would not be installed.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 12/18/84

RALEIGH-DURHAM AIRPORT - WATER AGREEMENT - APPROVED

Mrs. Block reported Council Members received in their Agenda packet an agreement and amendment between Cary and the Raleigh-Durham Airport Authority which is recommended for approval. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SANITARY SEWER EXTENSION - U.S. 1 NORTH - APPROVED

Mrs. Block reported the Public Works Committee recommends that this request for sanitary sewer be approved. The pump station involved will be a temporary pump station that will be phased out with the installation of the Neuse River/Perry Creek outfall lines. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NEUSE RIVER/PERRY CREEK SEWER PROJECT - ORDINANCE CHANGE ADOPTED; AGREEMENT WITH THE COUNTY AND DEVELOPERS - APPROVED

Mrs. Block reported the Public Works Committee approved in concept the City Manager's proposed agreement with the County on the Neuse River/Perry Creek Sewer Project. She indicated since that meeting, Council Members have received a copy of what the County approved, and there is very little change, but she would ask the City Manager to explain this item and the changes.

City Manager Benton went over the agreement with the County reviewing the key components. He explained this would open up some 17,000 acres on the west side of the river for development, and the agreement provides an opportunity for extension of sewer service on the east side of the river, opportunities for extending sewer lines outside the ETJ under controlled and agreed upon practices, explaining this is a seventeen-mile long project. He indicated when the line is constructed, pointing out it would be in accordance with City standards and policies and it will be owned, operated and maintained by the City. Connection to the line would be on joint City/County approval, further explaining residential connections would require City and County approval. He stated the County can only extend in this area under certain limits as it relates to the wastewater discharge, and the County would also be obligated to pay the City for a pro rata cost of the sewer changes. He indicated before a connection is made, the property owner or whoever must petition the City for annexation, pointing out that does not mean the City would necessarily annex. He indicated, in addition, the County would extend the City's ETJ to cover areas in which service is provided. He indicated if a piece of property is to be served by the County finance line and it is within one mile of the City water line, then that area must also be served by City water. He indicated, in addition, Administration has worked out the details as it relates to the developer's part of this agreement, explaining they will be giving the City letters of credit, they will get credit for lines that they build that are part of a project, etc. He explained if everything goes well, this is about a three-year project from today. He explained in order to go forward with the Neuse River/Perry Creek Sewer Project, several items need Council approval. One would be the ordinance changes as sent to the Council in their addendum packet, the second would be approval of the City/County agreement, and the third would be approval of the agreement with the developer contingent upon the developer submitting all securities subject to the City Manager's and City Attorney's approval. Mr. Walters moved approval of the recommendations as outlined by the Manager. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 470

AN ORDINANCE TO AMEND CITY ACREAGE FEE POLICIES

Section 1. Section 8-2031 of the Raleigh City Code is hereby amended to add a new subsection, said new subsection shall immediately follow 8-2031(c) and shall read as follows:

"(d) When no acreage fee reimbursement contract exists within an acreage fee area and an individual, developer, or subdivider has installed a major water or major sewer main, that would be eligible for reimbursement, that individual, developer, or subdivider may request that the City credit the reimbursable value of that major main to payment of prevailing acreage fees, on designated parcels of land located within that acreage fee area in lieu of entering into a reimbursement agreement for said main. Prior to receiving credit for such dedication or assignment, the dedication of the major mains shall waive in writing any right to a reimbursement contract from the City as now or hereafter allowed.".

Section 2. Subsection 8-2061(1) of the Raleigh City Code is hereby amended to add a new last sentence to the definition of utility system which shall read as follows: "Utility lines built in accordance with City/County contract, dated January, 1985, are part of the City's utility system.".

Section 3. The first sentence of Section 8-2092 of the Raleigh City Code is amended to insert at the end thereof the following language: "; but nothing herein shall prevent the opportunity for full reimbursement of major sewer lines fifteen inches or greater in size.".

Section 4. Subsection 8-2093(b) of the Raleigh City Code is amended to add a new sentence at end of said subsection which reads as follows:

"But, no reimbursement contract shall be executed until such time as main trunk or interceptor facilities which serve the acreage fee area are funded and operational.".

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 8. This ordinance shall become effective upon its adoption.

Adopted: 12/18/84

Effective: 12/18/84

City Manager Benton indicated the City would make sure we have the developer's agreements and everything in place before we sign the agreement with the County. Mayor Upchurch pointed out he feels this is probably one of the largest, single decisions this City Council will make, with Mr. Walters pointing out we have been working on this project over ten years.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-56-84 - CREEDMOOR ROAD - APPROVED AS AMENDED

Ms. Babb reported the Comprehensive Planning Committee recommends that the Planning Commission's recommendation be upheld; that is, that the property contained in this application be rezoned to Residential-10 with a 20-foot Conservation/Buffer along Creedmoor Road with 75-feet of Residential-4 along the northern boundary of the property in question. On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Congleton. Mrs. Block indicated she was going to ask that this be held until Mrs. Cates returns because of her interest in this area. Mayor Upchurch pointed out this recommendation does basically follow the Comprehensive Plan for the area. Mrs. Block pointed out Comprehensive Plan lines are not absolute, they are general guidelines. She stated all zoning cases have to be considered on their own merits but pointed out if a development is going to throw traffic on a road that cannot handle it, she does not feel it should be approved. The motion as stated was put to a vote and passed with all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 466 ZC 151.

CP-7-84 - NORTHWEST PLANNING DISTRICT LAND USE PLAN - APPROVED AS AMENDED

Ms. Babb reported the Comprehensive Planning Committee recommends that the Northwest Planning District Land Use Plan be approved as amended by the Planning Commission and the Comprehensive Planning Committee. (Council Members received in their Agenda packet a copy of a resolution adopting the plan as amended as well as a listing of the amendments.) On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mr. Congleton. Mrs. Block indicated there was discussion relative to a road connecting Duraleigh Road to the Laurel Hills area and questioned if this is in the plan. Planning Director Chapman indicated that connection was discussed, and the Comprehensive Planning Committee noted that as an issue and determined that it would be addressed in the updating of the Thoroughfare Plan. In response to questioning, he pointed out there is no connecting road in the plan as recommended by the Comprehensive Planning Committee. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 682
RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs and ordinances; and

WHEREAS, it is the intent of the City Council to maintain and, as conditions warrant, to amend this plan as the official statement of City Council policy concerning the future development of the City of Raleigh; and

WHEREAS, the Comprehensive Planning Committee of the City Council has coordinated the actions of the citizens of the Northwest Planning District, the Comprehensive Planning Advisory Group, the City Planning Commission, the City Administration and various private interest groups to prepare a recommended plan for the Northwest Planning District; and

WHEREAS, the public hearing on proposed Amendment No. CP-7-84 was held before a joint meeting of the City Council and the Planning Commission on September 18, 1984;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the attached amendment, CP-7-84, be approved, revising the Northwest District Plan on Page 51 of the Comprehensive Plan adopted by Resolution No. (1979) 949, on June 19, 1979.

Section 2. That the facilities plans contained in the Comprehensive Plan are revised according to the provisions contained in the Northwest District Plan.

Section 3. In accepting this plan, the Council directs the administration to:

a. Develop a formal strategy for providing sanitary sewer service in the Turkey Creek drainage basin.

b. Develop a formal strategy for extending the City's extraterritorial boundary area, according to Map NW-5, proposed extension of extra-territorial jurisdiction boundary.

Adopted: 12/18/84

COMPREHENSIVE PLAN - EAST PLANNING DISTRICT PLAN - INFORMATION RECEIVED

Ms. Babb reported, for information only, Council Members received the Citizens Plan for the East Raleigh Planning District. The item is being held in Committee and has been forwarded to Administration to start the procedure for the update of the East Raleigh Planning District Land Use Plan. The item was received without comment.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

BRAGG STREET OPPORTUNITY SITE - REVISED AGREEMENT WITH JOHN W. WINTERS - APPROVED

Chairman Walters reported the Real Estate Committee recommends that an amended contract with John W. Winters be approved for the development of the Bragg Street Opportunity Site as revised and recommended by the Community Development Department. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HOUSING AUTHORITY - PROPERTY VALUES AND CONDEMNATIONS - APPROVED

Mr. Walters reported the Real Estate Committee recommends that the recommendations as presented by the Housing Authority be approved as follows:

I. The fair market acquisition values on these properties:

A.	825 East Martin Street	$ 5,500.00
B.	312 Hill Street	$ 7,000.00

II. The fair market value disposition value on this property:

A.	101 South Bloodworth Street	$ 57,650.00

III. The condemnation of these properties to clear title and establish value:

A.	807 East Martin Street	$ 3,200.00
B.	327 South Haywood Street	$ 192.34

On behalf of the Committee, Mr. Walters moved the recommendations be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

LAKEMONT LAKE ISSUES - REMOVED FROM THE AGENDA WITH NO ACTION TAKEN

Mr. Walters reported that the Real Estate Committee recommends that the project regarding Lakemont Lake be removed from the Real Estate Committee Agenda with no action recommended at this time. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

AEROMASTERS - USE OF LANDFILL - REMOVED FROM THE AGENDA

Mr. Walters reported the Real Estate Committee recommends that the project regarding possible use of a section of the City's landfill for control model airplane flying by Aeromasters be removed from the Real Estate Committee Agenda with no action recommended at this time. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PARK LAND - NORTH BOULEVARD INDUSTRIAL PARK AREA - ACCEPTED

Mr. Walters indicated the Real Estate Committee recommends that the City accept the dedication of a 12.9-acre park site in the North Boulevard Industrial Park area. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. City Manager Benton explained the location utilizing a map available at the meeting. It was pointed out that this is adjacent to a twenty-acre site owned by Wake County. On behalf of the Committee, Mr. Walters moved the recommendation be upheld and the matter referred to Administration for closing. His motion was seconded by Mr. Keller and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY INTERGOVERNMENTAL LIAISON COMMITTEE

ANNEXATION PROGRAM - RESOLUTION OF CONSIDERATION - ADOPTED

Chairman Calloway indicated the City Intergovernmental Liaison Committee recommends the adoption of a Resolution of Consideration outlining areas to be considered for annexation in 1986 - 1987. (A map of these areas was included in Council Members' Agenda packet.) On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 683

A RESOLUTION IDENTIFYING THE AREAS WHICH ARE UNDER CONSTRUCTION FOR ANNEXATION BY THE CITY OF RALEIGH, NORTH CAROLINA

WHEREAS, N.C.G.S. 160A-49(37)(i) provides that a Resolution of Consideration must be adopted by the City Council at least one year prior to the Resolution of Intent to annex in order to begin the City initiated annexation procedure. The area described under the Resolution of Intent may comprise a smaller area than that identified by the Resolution of Consideration. The Resolution of Consideration may have a metes and bounds description or a map and shall remain effective for two years after adoption and shall be filed with the City Clerk; and

WHEREAS, the City Council has considered several areas for the purpose of possible annexation within the next two years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

Section 1. That all the areas identified as being under consideration for annexation for the next two years are shown on the attached map entitled, "Area of Consideration for Annexation '86 - '87" which is hereby incorporated by reference into this resolution.

Section 2. That this resolution shall become effective immediately following its adoption.

Adopted: 12/18/84

Effective: 12/18/84

WAKE COUNTY GENERAL DEVELOPMENT PLAN - REMOVED FROM THE AGENDA

Mr. Calloway indicated the City Intergovernmental Liaison Committee recommends removal of the item relating to the Wake County General Development Plan from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOROTHEA DIX PROPERTY - LETTER TO BE SENT TO GOVERNOR-ELECT MARTIN

Chairman Calloway reported the City Intergovernmental Liaison Committee recommends that a letter be sent to Governor-elect Martin forwarding documentation of the plan that has been endorsed by the City Council and requesting that the plan be considered as a matter of priority in the first part of his administration and noting the Council and City staff are interested in meeting with him on this matter. This item is being held in the Committee for further study. On behalf of the Committee, Chairman Calloway moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

WALNUT CREEK SEWER INTERCEPTOR STUDY - VARIOUS ACTIONS TAKEN - FUNDS APPROPRIATED

The Town of Apex desires to resolve its problems of long-term sewer needs. Currently, Raleigh receives wastewater from Apex in the Walnut Creek Interceptor. It is desirable to perform a detailed analysis of the capacities of this line and the opportunities for expansion of line capacity so that Raleigh and Apex can plan for future wastewater collection and treatment.

The firm of Tate Lanning and Associates has performed much work in this area in the past and has a substantial familiarity with this line.

In addition, since the Town of Apex is anxious to move ahead on this work and is willing to pay up to $7,500 of the study, it is proposed that the City retain this firm rather than go through the engineer selection process.

Recommendation:

1. That the Council approve retaining the firm of Tate Lanning and Associates to prepare an engineering analysis of the Walnut Creek Interceptor with a fee based on a per diem rate not to exceed $15,000;

2. That the Council authorize the execution of the agreement with this firm;

3. That the Council approve the transfer of funds as follows:

From:		
06-2-7100-0001	Council Reserves	$15,000
To:		
85-2-1100-0102	Walnut Creek Parallel	$15,000

4. That the Council authorize the City Manager to enter into a Memorandum of Agreement with Apex to perform this study and with the provision that Apex would pay 50% of the cost of the study not to exceed $7,500.

Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb. Mrs. Block questioned if this additional capacity would be for the City of Raleigh or just the Town of Apex. City Manager Benton explained the City of Raleigh gets first priority in terms of the existing lines. He indicated how the Town of Apex would be involved in subsequent extensions. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 461 TF.12.

PERRY CREEK BASIN - PACKAGE TREATMENT PLANT AGREEMENTS - APPROVED

The Council has previously approved three residential projects which involve temporary use of package treatment plants. These are for Durant Trails, Smoketree, and Berkshire West.

These projects are in various phases of construction and will require use of these package treatment plants before the gravity sewer lines are built. Agreements from these three development projects have been submitted for City approval. The terms are consistent with the policy adopted earlier by the Council concerning package plants in this area. Among these terms are:

- private operation and maintenance of plant;
- City would be sole customer of plant and all residential users would be regular customers of the Raleigh Utility system;
- all collection lines built to City standards and dedicated to City;
- treatment plant built at no expense to City;
- City right to inspect plant to assure proper operations;
- developer to escrow 40% of contractor cost;
- removal of plant when Perry Creek Outfall is built;
- City right to take over operations;
- City pay 80% of sewer revenues collected in residential area to developers for their operating costs.

Recommendation: That Council approve the three package treatment plant contracts. Ms. Babb moved the recommendation as outlined be upheld. Her motion was seconded by Mrs. Block and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WATER ALLOCATION - REQUEST FROM CARY - DENIED

The Town of Cary has submitted a request to increase its water allocation by 2.0 million gallons per day. The City approved an increased allocation to Cary in November, 1983, of 2.0 million gallons which resulted in a total allocation of 6.0 million gallons.

The current discussions about the total capacity of the Falls Lake water supply is a major concern. It is difficult to make a recommendation on such a major allocation at this time.

Recommendation: That the Council decline this request at this time and defer consideration until a more definitive resolution of the Falls water supply issue is achieved. Mrs. Block moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb. City Manager Benton explained the average daily flow to Cary is approximately 2.1 million gallons per day; therefore, they have approximately four million gallons per day for growth opportunity. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ECONOMIC DEVELOPMENT ROUND TABLE - VARIOUS ACTIONS APPROVED

Council has now appointed the Round Table group. Several items need to be clarified concerning the functioning of this group:

1. Process for selection of Chairperson (by Council or by group);

2. Terms of appointment (two years is consistent with other groups);

3. General responsibilities of Round Table; and

4. Meeting schedule.

Recommendation: The Council should act on items 1 and 2. With reference to the general responsibilities, it is recommended that the following scope of work be adopted:

> The general duties of the Economic Round Table are to provide input and guidance to the City Council, through the Council's Comprehensive Planning Committee, on actions or projects that could be undertaken by the City to enhance prospects for sound economic development in the City consistent with the Council-adopted Economic Development Strategy.
>
> The Round Table is to take a broad and general view, not to be a product-oriented, detail-oriented group and in subsequent years, the Round Table will play a large role in sponsoring the Economic Development forums.
>
> With regard to meeting schedules, it is proposed that the Council request the Round Table to meet on a quarterly basis and other times as they determine.

Mayor Upchurch indicated recently we held the Economic Development Forum and the Round Table group was introduced. He explained he had asked Ms. Babb to work with the Economic Development Round Table, and he would suggest at this point that that group be allowed to select their own Chairperson and that the terms of appointment be two years, which is consistent with other groups. Ms. Babb moved the Mayor's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote and passed unanimously. The Mayor ruled the motion adopted.

"The general duties of the Economic Round Table are to provide input and guidance to the City Council, through the Council's Comprehensive Planning Committee, on actions or projects that could be undertaken by the City to enhance prospects for sound economic development in the City consistent with the Council-adopted economic development strategy." Ms. Babb moved that this statement be adopted as the mission and guideline for the Economic Round Table. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously.

Ms. Babb moved that the City Council urge the Economic Round Table to move forward and to meet at least quarterly. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LEGISLATIVE PACKAGE - REFERRED TO INTERGOVERNMENTAL LIAISON COMMITTEE

Included in the Council Members' Agenda packet was a proposed legislative program for the upcoming General Assembly session. Most of these items have been previously reviewed by Council.

It is desirable for Council to adopt a legislative program which can be the basis of the City's efforts in the upcoming session of the General Assembly.

Recommendation: That Council adopt the legislative package or refer it to the Intergovernmental Committee for review and recommendation to Council.

Mrs. Block indicated she had some concern relative to the information in the Agenda packet as it relates to hotel/motel occupancy tax. She stated she did not remember the Council going on record as supporting this and explained that she could not support the hotel/motel tax unless the funds go to general revenue. Mr. Calloway moved that the proposed legislative packet be referred to the Intergovernmental Liaison Committee. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WS 1984-5 - WATER MAIN IN DURALEIGH ROAD - BID AWARDED TO J. F. WILKERSON CONSTRUCTION COMPANY - FUNDS APPROPRIATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Chief Engineer on December 17, 1984, for the installation of a sixteen-inch ductile iron water main in Duraleigh Road with results as follows:

J. F. Wilkerson Construction Company	$112,330.50
RGK, Inc.	$120,618.50
T. A. Loving Company	$132,935.00
Hawley Construction Company	$134,260.00

Administration recommends the low bid submitted by J. F. Wilkerson Construction Company be awarded and that a transfer of funds be authorized to cover the project. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 461 TF 12.

ADDENDUM

DOWNTOWN HOUSING PROGRAM - RESOLUTION ADOPTED

City Manager Benton indicated he sent Council Members a packet regarding the Downtown Housing Program. He indicated to maintain the schedule for development of housing in the City Market/Downtown East Area, it is essential that the City approve submitting a request to the North Carolina Housing Finance Agency for approval to issue $25 million in housing mortgage revenue bonds and authorize the City Manager to prepare an amendment to the plan and enter into appropriate agreements with North Carolina National Bank. He briefly explained the program. Discussion took place with Mr. Calloway indicating he is definitely in favor of the program, but his only concern is that as the City Council and Administration move along with the program that everyone is sympathetic to the needs in the area in general, such as the older citizens, etc. He indicated housing is needed but pointed out whatever criteria is developed should be broad enough to cover those people who would be displaced, and he hopes that will be built into any agreements. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 672

RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A DOWNTOWN RESIDENTIAL LOAN AGREEMENT AND ISSUANCE OF A SECURED PROMISSORY NOTE IN THE PRINCIPLE AMOUNT OF $25,000,000 AS A REDEVELOPMENT BOND, IN ORDER TO ESTABLISH A RESIDENTIAL MORTGAGE LOAN PROGRAM FOR A DOWNTOWN PROJECT AREA

WHEREAS, it is hereby determined by this City Council that the establishment of a new residential mortgage loan program for a Project Area, consisting of the Downtown East Redevelopment Area, the Thompson School-Lucille Hunter School-Stage Two Redevelopment Area and a portion of the South Park Redevelopment Area, would be desirable and would help achieve the purposes of the redevelopment plans for those areas; and

WHEREAS, NCNB National Bank of North Carolina has offered to enter into a Downtown Residential Loan Agreement (the "Loan Agreement") with the City of Raleigh (the "City") and to advance up to $25,000,000 to the City under a Secured Promissory Note "the "Note") that would constitute a redevelopment bond under Article 22, Chapter 160A of the North Carolina General Statutes and a "qualified mortgage bond" under Section 103A of the Internal Revenue Code, as the limited or special obligation of the City; and

WHEREAS, the advancement of funds under the Note is conditioned upon the preparation and adoption of a comprehensive redevelopment project, of which the loan program would be a part;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. The proposed loan program to be established under the Loan Agreement with the proceeds of the Note is determined to be a program of assistance and financing for rehabilitation, repair, construction, acquisition, and reconditioning of residential units in the designated redevelopment areas, and, therefore, an eligible redevelopment project under Article 22, Chapter 160A of the North Carolina General Statutes (the Urban Redevelopment Law).

2. The City Manager is authorized and directed to prepare proposed amendments to the applicable redevelopment plans to provide for a comprehensive redevelopment project for the Project Area that will satisfy the conditions of the Loan Agreement, and take such steps as may be necessary for consideration of and action on such amendments, including the required public hearings and submission to the City of Raleigh Planning Commission and the City Council.

3. The Mayor of the City is hereby authorized and directed to execute, acknowledge and deliver in the name of and on behalf of the City a Downtown Redevelopment Loan Agreement and a Secured Promissory Note, in substantially the forms submitted to this City Council, with such insubstantial changes therein, not inconsistent with these resolutions or the Urban Redevelopment Law, as the officer executing the same on behalf of the City may approve.

4. The Mayor is further authorized and directed to execute such other and further documents, such as an Originating Agreement, a Servicing Agreement, and a Security Agreement, as may be necessary to consummate the transaction provided for in the Loan Agreement.

5. The Mayor is further authorized and directed to request from the North Carolina Housing Finance Agency an allocation of the State's annual ceiling for "qualified mortgage bonds" to permit the issuance of the Note, as such a bond, during the calendar year 1984.

6. This resolution shall be effective immediately upon passage.

Adopted: 12/18/84

RESOLUTION NO. (1984) 686
CERTIFIED COPY OF CORPORATE RESOLUTIONS
ACCOUNT NO. 412-033-08

Opening and Maintaining a Deposit Account
and/or Certificates of Deposit

City of Raleigh

I, the undersigned, hereby certify to North Carolina National Bank, Raleigh, North Carolina, that I am the City Clerk of the City of Raleigh, a municipal corporation, duly organized and existing under the laws of the State of North Carolina; that the following is a true copy of resolutions duly adopted by the Board of Directors of said Corporation at a meeting duly held on the 18th day of December, 1984, at which a quorum was present; and acted throughout; and that such resolutions are in full force and effect and have not been amended or rescinded.

1. RESOLVED, that North Carolina National Bank, Raleigh, North Carolina, is hereby designated as a depository of the Corporation and that a deposit account and/or certificates of deposit be opened and maintained in the name of this Corporation with said Bank in accordance with the applicable rules and regulations for such an account; that any one of the following officers or employees of this Corporation:

Mayor
Finance Director
Assistant Finance Director

is/are hereby authorized on behalf of this Corporation, and in its name to sign checks, drafts, notes, bills of exchange, acceptances, certificates of deposit or other orders for the payment of money; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation for deposit with said Bank or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to place orders with said Bank for the purchase and sale of foreign currencies on behalf of this Corporation; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or endorsed by this Corporation; and,

2. FURTHER RESOLVED, that North Carolina National Bank be and it hereby is authorized to honor, receive, certify, or pay all instruments signed in accordance with foregoing resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof; and,

3. FURTHER RESOLVED, that North Carolina National Bank be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in this Corporation's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) of the specified number of the foregoing officers or employees of this Corporation and North Carolina National Bank shall be entitled to honor and to charge this Corporation for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with North Carolina National Bank by the Secretary or Assistant Secretary or other officer of this Corporation; and,

4. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall, from time to time, hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and,

5. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,

6. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,

7. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and Bylaws of this Corporation.

I further certify that the following are the names of the present officers of this Corporation:

NAME	TITLE
Avery C. Upchurch	Mayor
Z. B. Hill	Finance Director
P. E. James	Assistant Finance Director

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this Corporation, this 18th day of December, 1984.

RESOLUTION NO. (1984) 687
CERTIFIED COPY OF CORPORATE RESOLUTIONS

Authorizing Loans

City of Raleigh
Account Number 412-033-08

I, the undersigned, hereby certify to North Carolina National Bank, Raleigh, North Carolina, that I am the City Clerk of the City of Raleigh, a municipal corporation, duly organized and existing under the laws of the State of North Carolina; that the following is a true copy of resolutions duly adopted by the Board of Directors of said Corporation at a meeting duly held on the 18th day of December, 1984, at which a quorum was present; and acted throughout, and that such resolutions are in full force and effect and have not been amended or rescinded.

1. RESOLVED, that the City Manager of this Corporation is/are hereby authorized to borrow on account of this Corporation from North Carolina National Bank, Raleigh, North Carolina, upon such terms as they shall deem desirable, and to make and deliver notes, secured or unsecured, drafts, acceptances, agreements or obligations of this Corporation therefore and for any and all obligations, of this Corporation to said North Carolina National Bank, now or hereafter existing, to pledge or assign and deliver upon such terms as they may deem desirable, stocks, bonds, bills receivable, accounts, merchandise, bills-of-lading, warehouse receipts, mortgages, insurance policies, certificates, negotiable paper, and any other property held by or belonging to this Corporation, with full authority to endorse, assign and guarantee the same on behalf of this Corporation; to discount any bills receivable or any paper held or owned by this Corporation, with full power to endorse the same in the name of this Corporation, to make application for letters of credit on behalf of this Corporation and to appoint and designate agents and employees of the Company to make application for letters of credit on behalf of this Corporation; and to execute and deliver all instruments required by the said North Carolina National Bank in connection with any of the foregoing; and,

2. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor anysignature not so certified; and,

3. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,

4. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,

5. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and Bylaws of this Corporation.

I further certify that the following are the names of the present officers of this Corporation:

NAME	TITLE
D. E. Benton, Jr.	City Manager

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this Corporation, this 18th day of December, 1984.

INAUGURAL PARADE - VARIOUS ACTIONS TAKEN

City Manager Benton indicated the City needs to take various actions to coordinate the use of City facilities for the Governor's inauguration during the period January 4 through 6 as follows:

a. Use of City property for fireworks display.

A request has been received to use the City property at the west end of Kindley Drive for a fireworks display. This activity would be conducted by S & W Productions and they would provide evidence of insurance policies of $1,000,000 per individual and $9,000,000 per occurrence.

Action needed will be:

Approval of temporary use of City Lots K-1 and K-2 and temporary closing of Kindley Drive from Salisbury Street west to dead end.

b. The inauguration and parade will necessitate the following actions:

(1) Closing of 100 Block of West Jones Street from 7:00 a.m. to 3:00 p.m. on January 5, 1985.

(2) Beginning at 8:30 a.m., January 5, 1985, the following street sections need t be blocked until after the parade on this date:

- Salisbury Street between Edenton and Peace Streets;
- Wilmington Street between Edenton and Peace Streets;
- Lane Street between Person and McDowell Streets;
- Blount Street between Peace and Edenton Streets;
- Polk Street between Person and Wilmington Streets;
- North Street between Person and Wilmington Streets; and,
- Jones Street between McDowell and Person Streets.

Mr. Walters moved the recommendations as outlined be approved. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - UDAG APPLICATION - WITHDRAWN

City Manager Benton indicated the City has approved the final plans for the City Market Project. He stated we have a pending UDAG application in process, and we need to officially withdraw that application. Mr. Walters moved the application be withdrawn. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

SIR WALTER RALEIGH AWARD - PLAQUE - APPROVED - FUNDS APPROPRIATED

Mr. Walters indicated he had met with Lydia White of the Appearance Commission, and they are recommending that Mr. Paul Roff be commissioned to produce a plaque in white oak, approximately thirty-six inches square, to show the names of the recipients of the Sir Walter Raleigh Award with the understanding the plaque will be displayed in the Municipal Building 222 lobby. He indicated the Appearance Commission is planning to solicit contributions from local businesses to pay for this plaque, but we need to have the plaque in time for the awards ceremony. He indicated if funds are received from the private sector, they would be returned to the City. Mr. Walters moved that the City Council authorize a transfer of $1,500 from General Fund Contingency to the Appearance Commission and that they be authorized to commission Mr. Roff to do the plaque. His motion was seconded by Ms. Babb. Lengthy discussion took place as to why white oak wood was chosen, if it would be cheaper to do the plaque in some other type of wood, whether this item had gone through Administration and whether Administration had any recommendation. A substitute motion was made by Mr. Keller to refer the matter to the Law and Finance Committee which was seconded by Ms. Babb. It was agreed to hold the item until later in the meeting to allow Administration time to look at the request and make a recommendation.

Later in the meeting, City Manager Benton indicated Administration has briefly looked at the proposal and feels it is consistent with our recognition project. However, some indication had been made that this would be displayed in the lobby of the Municipal Building, but he would like for Administration to be allowed to display it at a suitable location. After brief discussion, the substitute motion was put to a vote which resulted as follows: Ayes - Babb, Block, Congleton, Keller; Noes - Walters, Upchurch and Calloway. The Mayor ruled the motion defeated. The original motion was put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 461 TF 12.

TRIANGLE J COG - CHARTER CHANGE - REFERRED TO ADMINISTRATION

Mr. Walters indicated Triangle J COG is supported by a pro rata share of the various cities participating. He explained in the past, we have used census figures to determine membership fees. He indicated they are proposing their charter be changed to indicate annual population estimates would be used rather than census figures. He indicated this would result in a smaller amount of increase each year rather than a large increase when the census figure comes out. Brief discussion took place as to how this would affect the City's cost, after which Mrs. Block moved this matter be referred to Administration for report back to Council. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

FIRE TRUCKS - REFURBISHING EFFORT - COMMENDED

Mr. Walters commended the Fire Department for their efforts in refurbishing fire trucks and cars. He indicated they are doing an excellent job and saving the City a tremendous amount of money.

AUSTIN TRIP - REPORT RECEIVED

Mr. Walters passed out a report on his recent trip to Austin. The report was received without comment.

PUBLIC NUISANCE - WAREHOUSE OF TIRES - STATUS REPORT REQUESTED

Mr. Calloway indicated sometime back there was a request before the City Council relative to an alleged public nuisance at the Warehouse of Tires. He indicated the City Council discussed the item, in Public Works Committee, and the Council allowed a certain length of time for Warehouse of Tires to clean up the nuisance. He requested a status report on their efforts. The item was referred to Administration.

WILLOW RUN SUBDIVISION - SIDEWALK CONSTRUCTION - REFERRED TO LAW AND FINANCE COMMITTEE

Ms. Babb indicated the Willow Run Subdivision, located off Newton Road, was approved with sidewalks in certain areas, and some of the sidewalks have not been installed. She indicated she also understands there is some discontent between the residents as some want sidewalks and some do not. She requested that the matter of Willow Run Subdivision be referred to the Law and Finance Committee to get the matter clarified. Without objection, the item was referred to the Law and Finance Committee.

FIRE TRUCKS - RESPONDING TO EMERGENCIES - COMMENTS RECEIVED

Ms. Babb questioned why fire trucks go on emergency calls with ambulances and explained a recent situation in which she was in a medical facility and a person had a heart attack, and the ambulance arrived, and shortly after, the fire truck got there, causing panic among the people in the facility as they thought a fire was occurring. City Manager Benton explained the first responder program, pointing out fire suppression personnel are trained as EMT's. He explained the Fire Department does not transport or treat but do respond and often they can get there quicker than the Emergency Medical Technicians. The comments were received.

WORK SESSION - DECEMBER 20 - CANCELLED

Mayor Upchurch indicated December 20 is a regularly scheduled work session day. He stated there are no items that need immediate attention. Therefore, without objection, the December 20 Work Session would be cancelled.

ARENA COLISEUM REPORT - REFERRED TO WORK SESSION

Mayor Upchurch indicated the Arena Coliseum Committee would like to make a report to Council. He stated, without objection, this would be presented to the Council at the January Work Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

mm/SP8(1)

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday December 18, 1984, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Congleton
Mr. Keller
Mr. Walters

Ms. Cates - Absent and Excused

Mayor Upchurch called the meeting to order indicating the only items on tonight's Agenda relate to street improvements and a hearing to receive citizens' input on road problems and improvement programs which should be undertaken by the City of Raleigh as a result of its recent $20 million bond issue. Mayor Upchurch indicated there would be a separate hearing on the Cross Link Road and Spring Forest Road proposals, and then the hearing would be opened to allow citizens an opportunity to present their views regarding needed traffic improvements throughout the City. Mayor Upchurch indicated we had conducted a sign-up period prior to the beginning of the meeting of those persons who wanted to speak on the general hearing relating to needed traffic improvements. He indicated the public hearing will be informal in that specific projects will not be presented for discussion, but any citizen or group spokesperson would be able to briefly present to the City Council their thoughts on critical traffic problems and suggestions on where improvements are needed. He indicated on November 6, Raleigh citizens approved a $20 million road improvement bond referendum which will form part of the overall $35 million road improvement program. He stated this is the initial step in the public involvement in decisions on street and road improvements to be undertaken in the immediate future. He explained following the public hearing, City Administration will study the information received at the meeting and other transportation and development data prior to recommending an overall program to the City Council. The City Council has stated that an additional public hearing will be held on each individual project before its final approval for construction. A hearing will also be conducted for any project involving assessments against adjoining property owners. He explained that anyone who was unable to attend the hearing may present their views and concerns by letter to the City Clerk within ten days, and these comments will be considered in Administration's evaluation. Mayor Upchurch again explained that prior to tonight's meeting, a sign-up period had been held, and those persons who had signed up to speak at the general hearing would be allowed to speak in the order in which they signed up, and the Council would allow three minutes per person. He pointed out, however, if anyone was at the meeting to speak on the Spring Forest or Cross Link Road project, it was not necessary that they sign up to speak.

STREET AND SIDEWALK IMPROVEMENTS - CROSS LINK ROAD - HEARING - SECTION THROUGH THE SHOPPING CENTER AREA - APPROVED; REMAINING PORTION OF PROPOSED IMPROVEMENTS - REFERRED TO ADMINISTRATION

This was a hearing to consider the installation of curbs, gutters, drains and paving forty-one feet back-to-back on Cross Link Road from Rock Quarry Road southward to the existing curb and gutter with sidewalks to be installed on one side. Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing to the public.

G. Smedes York, 1904 Craig Street, explained part of the proposed improvements goes through the proposed Southgate Plaza Shopping Center. He indicated he was representing the partnership who is developing the shopping center. He stated this is the first shopping center in Southeast Raleigh, and they hoped to do an excellent job on it. He stated before making his comments on the road improvements, he would like to state for the record that there is a buffer shown on the plan for the shopping center and a couple of trees had been taken out of that buffer. He stated he will personally guarantee that the trees will be replaced. Mr. York indicated the partnership supports the assessment project and also agrees to dedicate the necessary right-of-way for the proposed improvements. He indicated they are moving forward with the project, and if the City would move forward with the improvements, it would allow them to continue with the development of the shopping center. He commended the Council for moving ahead with the bond issue and indicated he supports the Council in this endeavor.

J. A. Lacewell, 1319 Cross Link Road, indicated he was representing the residents on Cross Link Road. He stated this is not your average neighborhood street, and that is why it was included in the $20 million bond issue. He stated it is the only truly collector street in Southeast Raleigh and explained how it connects Southeast Raleigh to other portions of the City. He indicated Tryon Road is being extended to Old Garner Road, and that will impact this area. He explained residents of the towns and cities both east and south of Raleigh utilize Cross Link Road to get to and from work. Business and industry are using it to move into the area. He explained a multi-million dollar shopping center is under construction, the State ABC Board has relocated their warehouse to this area, as well as the FBI and Highway Patrol. He stated they feel that this is just the beginning of the growth this area will experience. He explained everyone welcomes planned growth in the area as it has received little attention in the past. He stated, however, the residents of the area do not feel that they should be saddled with providing a thoroughfare that will benefit the

entire City and surrounding cities. He indicated they are requesting that the cost of these improvements be borne by the bond issue money. He presented a petition which he indicated was signed by approximately ninety percent of the residents of the Cross Link Road area asking that these improvements be included and completed with the bond issue money.

Bill Windley, 1505 Dudley Street, indicated there were discussions on the bond referendum prior to the November 6 election in which the Mayor and Department of Transportation Director Blackburn spoke to the citizens group. He stated never was the word "assessment" to property owners mentioned. He stated based on the Mayor's presentation, the Raleigh/Wake Association endorsed the package. Now, they are being told that the property owners will have to pay for the improvements. He indicated the City Charter authorizes the Council to build streets and assess property owners, but it is their feeling they have been deceived, manipulated and the rules changed in mid-stream. He stated everyone supports the widening of Cross Link Road but requests that it be done without assessment to the property owners.

Frank Roberts, Firelight Road, objected to the three-minute time limitation people have to speak. He indicated the citizens did not give the Council and others only three minutes when they were trying to convince the citizens to vote for the bond issue. He indicated he, too, was objecting to the assessment to the property owners for improvements to Cross Link Road.

Clarence E. Lightner commended the Council on the passage of the bond issue. He indicated he was not against the improvements to Cross Link Road nor were the residents, that everyone wants the project, and we have been talking about it for over ten years, but there does seem to be some confusion on the assessment question. He indicated, in his opinion, the improvements to Cross Link Road will benefit the entire citizenry of Raleigh, and he hates to see the City asking the property owners on Cross Link Road to shoulder the burden of the improvements. No one else asked to be heard, thus the hearing was closed.

Mayor Upchurch indicated he did not feel that he had mislead the people, explaining the policy we always follow in building roads is to assess the property owners. He stated the rules have not changed, that we are following normal street improvement policy. Mrs. Block indicated it is her understanding that Mr. York owns the property involved in the improvement through the shopping center area, and he has no objection to paying the assessment nor dedicating the right-of-way. Therefore, she would move that we consider the two sections of improvements separately. Her motion was seconded by Mr. Calloway. City Manager Benton indicated there is a small piece of right-of-way in that section of Cross Link Road that is owned by Texaco. The motion as stated was put to a vote and passed unanimously. Mr. Calloway moved the City Council adopt a resolution directing the construction of the street as advertised through the shopping center area. His motion was seconded by Mr. Walters. Mr. Walters indicated it is his understanding that Cross Link would go through the shopping center area and connect with the existing Rock Quarry Road. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 684. By general consensus, it was agreed that the other comments would be considered by Administration and a recommendation presented back to Council. Mr. Walters pointed out that a bond referendum is simply a way to borrow money. He indicated we borrow the money, do a project, but then we have to pay the money back, and that is why the property owners are assessed.

STREET IMPROVEMENTS - SPRING FOREST ROAD - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED; COMMENTS ABOUT BUFFERING REFERRED TO ADMINISTRATION

This was a hearing to consider the installation of curbs, gutters, drains and paving sixty-five feet back-to-back on Spring Forest Road from Falls of Neuse Road west to Sandy Forks Road with sidewalks on both sides. Chief Engineer Thomas explained the proposed project. He indicated we have begun work for the water line which has been approved. The Mayor opened the hearing to the public.

William L. Thompson, President of Northbend Townhouse Homeowners Association, presented a prepared statement (see Attachment 1). Richard Robinson, 6213 Falls of Neuse Road, indicated he lives on the corner of Falls of Neuse Road and Spring Forest Road. He stated they will have about 186 feet of frontage on the new road and pointed out they are currently paying for water and sewer assessments on Falls of Neuse Road, questioning if they will have to pay the street assessment on this street. City Manager Benton indicated there will be an assessment for the street improvements and explained the 150-foot exemption on duplicating service for water and sewer but pointed out there is no exemption on street improvements. No one else asked to be heard, thus the hearing was closed.

Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Mr. Keller. Mr. Congleton questioned if the Manager had any comments about Mr. Thompson's questions relating to buffering for sound. City Manager Benton indicated it is possible to put vegetation in, but there is some disagreement as to whether vegetation is a sight or sound buffer. Mr. Walters and Mr. Keller amended their motion to include referring Mr. Thompson's comments to Administration to be considered in the design of the road. The motion as amended was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 684

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

(a) Installation of curbs and gutters, storm drains and eight inches of stone, under two inches of I-2 and installation of sidewalks on Cross Link Road relocation, from Rock Quarry Road at Proctor Street, west to the existing Cross Link Road, west of Lyndhurst Drive.

(b) Installation of curbs, gutters, drains and paving 65 feet back-to-back on Spring Forest Road, from Falls of Neuse Road, west to Sandy Forks Road at Lynn Road with 2½ inch I-2 asphalt surface on a 10-inch stone base with sidewalks on both sides.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280. (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 12/18/84

ROAD BOND REFERENDUM - CITIZENS' INPUT - RECEIVED

Sonny Mountcastle, 512 East Franklin Street, presented a prepared statement (see Attachment 2).

Thomas Conway, representing the South Central CAC, indicated the Raleigh Boulevard Extension is to run between New Bern Avenue to Rock Quarry Road. He explained they are generally pleased with this but have three requested changes relating to the alignment. He explained they would like to see the alignment moved slightly to the east where it crosses Gatlin Branch at Davie Street, and they would like to make sure that no residents will be affected by this improvement and that there would be no access or intersection with Davie Street. He explained Battery Heights is one of the oldest black communities in the City, and sometime back, they requested that it be rezoned Residential-4, pointing out they are working hard to preserve and upgrade their neighborhood. He stated with those three changes, they are in support of the Raleigh Boulevard alignment. Approximately twenty persons stood in support of Mr. Conway's remarks. Bill Windley indicated he supports the total bond package. The only question he has is the assessment of these projects.

Cornelia Tongue, 2507 Colton Place, indicated on October 20, she sent all Council Members a copy of a letter to the Mayor regarding the St. Mary's/Anderson/Glenwood intersection. She explained the Glenwood CAC was assured that there have been no detailed plans made for any of the projects; however, the Glenwood/Anderson changes surface frequently with some detail. She indicated help is needed in solving the problem, but the ideas listed in the proposals relate to one-waying Anderson Drive and that is not the problem. She indicated in her letter, she proposed several alternatives, none of which would cost the $160,000 she keeps hearing. She stated none of her alternatives make Anderson one-way and would not destroy the integrity of the neighborhoods. She stated the neighborhood does not have sidewalks as they are

not needed. She indicated making Anderson Drive one-way east would throw traffic on the small residential streets in the area, some of which are curvy and hilly. She asked the Council to consider the alternatives she sent, with Mr. Walters pointing out many of her suggestions made a lot of sense, and he would hope Administration would look at Ms. Tongue's suggestions.

Willis Hedgepeth, representing the North Raleigh CAC, indicated he was concerned about Litchford Road. He indicated presently, there are some 2,000 units under construction that will have access to Litchford Road and will generate a lot of traffic. He pointed out, in addition, Atlantic Avenue dead-ends at Litchford Road, so he would suggest that the City do something to improve Litchford Road to coincide with the completion of Atlantic Avenue. Lawrence Marks indicated he is concerned about two regions in the North Raleigh area that need improvements. He indicated, in his opinion, the Leesville/Glenwood intersection is probably the busiest intersection between Atlanta and Washington. He explained Leesville has fifteen seconds out of a total two minutes and fifteen second cycle which causes backups on Leesville Road. He indicated he feels the dangerous Beltline intersection is due to the congestion at the Leesville intersection. He called for some improvements on Six Forks Road, immediately north of the Beltline, pointing out there are frequent traffic tie-ups in this area. He indicated he does not feel it is sufficient to just improve intersections and the interchanges unless these improvements are the type that are non-intimidating. He indicated many people do not utilize the Beltline as they feel it is scary and "not friendly." He called for the Council to make friendly, non-intimidating improvements in these two areas.

Arthur Eckles, 1417 Dellwood Drive, presented a prepared statement (see Attachment 3). Chris Moore presented a prepared statement entitled "Raleigh's Transportation Bond Referendum - A Statement of Concern" (see Attachment 4). Bernadine Weddington, 4814 Brookhaven Drive, presented a prepared statement (see Attachment 5).

Paul Blakenship, 2509 Vanderbilt Avenue, was at the meeting representing the University Park Homeowners Association. He indicated they would like to see the deletion from the City's plan of that section of Clark Avenue, between Brooks and Hillsborough Street and deletion of the Ferndale connector. He indicated the University Planning District had difficulty dealing with the transportation section of the Comprehensive Plan, pointing out the CAC sent in some very substantially statements relating to the transportation plan in their area, and they are not included in the Administrative version of the University Land Use Update.

Margaret Rose Murray, 608 Royal Street, indicated they are somewhat concerned about the proposed Gorman Street extension to Hillsborough Street and the location and exact alignment. She stated she has been unable to see any maps or plans as to how the extension will go through their community. She stated no one is sure how the neighborhood homes will be affected as no one has been able to see any plans. She stated they are concerned about its exact location and concerned about the noise that will be caused. She referred to the existing traffic bottleneck from Hillsborough to Western Boulevard through Royal and O'Kelly Streets. She pointed out many people make left turns from Royal to O'Kelly, and there are no line markings on the street, pointing out they have asked that it be marked several years ago. She stated no one is against Gorman Street if it will relieve the traffic situation, they are just concerned about the exact location and the effect it will have on their neighborhood.

Alice Garland Swink, 525 North Boundary Street, was at the meeting representing the North Central CAC, Downtown Association and Oakwood Neighborhood Association. She called for the street improvements to be well thought out and called on the Council not to measure the success by the number of miles that can be built. She indicated many people purchase homes on the Oakwood neighborhood because they like to sit on the porch, but pointed out there are many illegal eighteen wheelers, hot rods and so much through traffic in the a.m. and p.m. hours that it makes it difficult for one to enjoy their porch. She stated four families have moved from Oakwood because of the traffic. She asked the Council to consider actions to discourage through traffic in the Oakwood neighborhood such as reduction of speed limits and enforcement of speed limits, "children at play" signs and four-way stop signs. She referred to the single-occupant auto, pointing out we need to improve our transit system. She indicated maybe there could be something done to reduce the single-occupant auto and the problems relating to parking such as a differential parking rate structure; that is, one that is a high rate for all-day parking but cheaper hourly rates.

James Barry, 8420 Camelia Place, was at the meeting representing the People's Alliance. He called on the Council to review the five basic assumptions relating to the use of the automobile, indicating he felt the automobile is leading the American public around by the nose. He indicated we assume continued growth is essential, cheap fuel for automobiles will always be available, environmentally we can absorb all pollutants we put into the air, beauty and diversity must be sacrificed for growth and that humans are susceptible to landscapes of concrete. He called on the Council to begin making the decisions that acknowledge the dangers the automobile is to our society and called on the Council to begin limiting the use of the automobile, not fostering it by building more roads.

Eleanor Wienel, representing the Wade CAC and a member of the University Park Homeowners Association, indicated what is done in the outer areas of the City affects the neighborhood in the inner City and has the potential of altering the character of inner-City neighborhoods. She feels it is important for the Council to consider the human costs of these projects. She called for the Council to involve the citizens in the design process of the projects suggesting that the CAC system is in place and might be used for this participation. She called on the Council to consider the

transportation strategies that do not involve roads such as bikeways, pedestrian and mass transit usage.

J. J. Schueneman, representing the Brookhaven Citizens Association, presented a prepared statement (see Attachment 6).

Ida K. Donaldson, 3516 Neil Street, spoke about the Gorman Street extension. She explained a stake was put in her yard, and she was told it was the Gorman Street extension. She questioned if her house is in the right-of-way of Gorman Street and how the Gorman Street extension is going to affect her property. She stated for two and one-half years, she has been hearing about the Gorman Street extension, but no one from the City has ever said a word to her about it. She stated she would like some information from the City, pointing out she needs to make repairs to her home but does not know what to do as she does not know whether her home is going to be taken or not, that all she gets is the runaround from the City. She called on the Council to just let the citizens know what is going on and how it will affect them.

Ted Dossett, 2744 Milburnie Road, indicated for the past ten years, efforts have been made to get Crabtree Boulevard off the Thoroughfare Plan as it serves no purpose. It would have to be constructed in the flood-prone area and greenway. He stated the extension of Raleigh Boulevard across Crabtree Creek concerns him as the extension across floodplain land such as this will essentially be building a dam and could restrict the flow of water in the creek.
He indicated most of the citizens of East Raleigh are opposed to the extension of Raleigh Boulevard, pointing out to cross Crabtree Creek will be extremely expensive and will take traffic into one of the busiest intersections in the City, and you could probably never make a left turn at that point. He stated the construction over Crabtree Creek will just cause East Raleigh to flood.

William L. Tippett indicated he used to own a car, but he sold it as he uses a bicycle all the time. He stated he would like to see more bike lanes put in so that he can safely get from one part of the City to another, pointing out more bike lanes could be one way or incentive to get people to give up the automobile and go to bicycles. He pointed out Hillsborough and Glenwood Avenue could probably use a bike lane.

Daniel F. Read presented a prepared statement (see Attachment 7).

Eunice Y. Joyner, 801 Newcomb Road, indicated she is a member of the South CAC, and there are some improvements that need to be made in their area. She questioned if any of the bond money could be used to put the cul-de-sac in at Cross Link and Lyndhurst Drive. She indicated streets have been patched very badly, and in some places, bumps are so bad, they damage cars. She stated they are trying to improve the quality of life and would like to see improvements to the roads in their area. City Manager Benton indicated the section of Cross Link Road that now exists will be cul-de-saced and not connected into Lyndhurst Drive. Clarence E. Lightner indicated he was concerned about a project that had been ongoing for a number of years and that is the extension of Hammond Road to U.S. 70. He explained the State is cooperating, but the City's help is needed. He stated Southeast Raleigh has been a step child as far is development is concerned over the years, and there is not a whole lot to shout about in Southwest Raleigh. He called on the City to use some of the bond money to extend Hammond Road to its final destination so land can be developed and jobs created in this area.

Jack Nichols, 2501 Kenmore Drive, indicated he was representing the Five Points CAC. He pointed out the current proposal for improvement the Glenwood Avenue/St. Mary's intersection is unacceptable. He asked the City to consult with the CAC's as well as all neighborhood associations such as the Brooklyn/Glenwood Task Force, etc. He stated as a citizen, he does not want to see the connection between Cardinal Gibbons and Pullen Road and would hope that the City would utilize the policies of Federal law as it relates to roads through parks.

Margarie Debnam, 1615 East Davie Street, indicated she was representing the Southeast CAC. She indicated the plan for Raleigh Boulevard extension to Rock Quarry Road affects her property, explaining in 1969, the City had surveyors put stakes in their neighborhood, and the surveyors told the people it would be 1985 before anything would happen, and now it is 1985. She stated she is fighting for the preservation of her neighborhood, and they do not want the location of Raleigh Boulevard to affect the Battery Heights neighborhood.

Ken Durham indicated he is an affected neighbor of one of the projects and that is the realignment of New Hope Church Road. He indicated he was very appreciative of the courage the City has in going forward with the bond program.

Mr. Congleton indicated the correction of the problem between the Glenwood/Leesville area, in his opinion, should be a major priority. He also indicated comments made relative to how we can deal with the appearance factors when we build roads should also be considered by Administration. Mrs. Block indicated in all of the comments she heard, there was a common thread and that is appearance, landscaping, sidewalks and bike trails, and she feels Administration should consider this in bringing back a proposal to the Council.

Before and after the hearing, the following letters and comments have been received:

John W. Graham - Attachment 9
Elsie H. and W. A. Perry, Jr. - Attachment 10
Judith Letsinger - Attachment 11
Peter H. Bliss - Attachment 12
Linda Underhill - Attachment 13
Ethan E. Shapiro - Attachment 14
Dr. Irwin Rovner - Attachment 8

ADJOURNMENT

There being no further business, the hearing was closed and the meeting adjourned at 9:00 p.m.

Gail G. Smith
City Clerk

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